

**OBERON COUNCIL**

137 Oberon Street  
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Oberon NSW 2787

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## Oberon Council Ordinary Meeting Tuesday 18 March 2025

Commencing at 5:30 pm  
To be held at the Oberon Council Chambers



**OBERON**

MORE THAN YOU IMAGINE

# EVACUATION SIGN AND DIAGRAM

Ground Floor 137-139 Oberon Street, Oberon NSW 2787

**Chubb**

Defibrillator Distribution Board Carbon Dioxide Dry Chemical Powder Water First Aid Point Hose Reel Exit Alternate Evacuation Path Evacuation Path Assembly Area

### Evacuation Procedures

## IN CASE OF FIRE

- R REMOVE people from immediate danger
- A ALERT people nearby and raise an alarm (Dial 000)
- C CONFINE fire and smoke (Close doors behind you if safe to do)
- E EVACUATE via the nearest emergency exit

### Site Plan

Oberon Council Admin Building

Oberon Street

Sign Ref: AG - YAH - 2 Issue Date: 03/2021   Review Date: 03/2026   © Chubb Fire & Security PTY LTD 1300 650 182

### Risk Matrix Legend

Through its Enterprise Risk Management Processes, Oberon Council has developed Risk Appetite Statements which are shown in the following table.

Category of Risk	Avoid	Resistant	Accept	Receptive
Business Continuity			PRIMARY	
Financial		PRIMARY	Secondary	
Safety	PRIMARY			
Environment	Secondary	PRIMARY		
People & Culture		Secondary	PRIMARY	
Project Performance		Secondary	PRIMARY	
Technical Complexity			PRIMARY	Secondary
Public Image and Reputation		PRIMARY	Secondary	
Assets & Infrastructure		Secondary	PRIMARY	
Governance	PRIMARY			
Service Delivery			PRIMARY	

#### Risk Appetite Scale

<b>AVOID</b> (little-to-no appetite) Avoidance of risk and uncertainty is key to achieving objectives	<b>1</b>	<b>AVERSE</b> (small appetite) Prefer safe options with little risk of adverse exposure	<b>2</b>	<b>ACCEPT</b> (medium appetite) Consider all options and choose most likely for successful delivery with reasonable degree of protection	<b>3</b>	<b>RECEPTIVE</b> (large appetite) Will engage with risks and opportunities when the potential benefit is great	<b>4</b>
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Each risk is evaluated in terms of potential loss, likelihood of occurrence and the effectiveness of controls in place to manage the risks according to the criteria set out below:

Likelihood	Impact	Negligible	Minor	Moderate	Major	Extreme
Almost Certain		Low	Medium	High	Extreme	Extreme
Likely		Low	Medium	Medium	High	Extreme
Possible		Low	Low	Medium	High	High
Unlikely		Low	Low	Low	Medium	High
Rare		Low	Low	Low	Medium	High

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## 1 OPENING OF MEETING

The Mayor will welcome members and declare the meeting open.

The meeting will be livestreamed via Team webinar facilities.

Recordings of Council Meetings or parts thereof cannot be copied, recorded, reproduced, reused or transmitted without the prior written consent of the General Manager. The meeting is being recorded and will be made publicly available on Council's website. Persons attending the meeting should refrain from making any defamatory statements.

## 2 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges that this meeting is being held on the traditional lands of the Wiradjuri, Gundungurra and Dharug People, and respects the history and culture of the elders both past and present.

## 3 PRAYER

The Meeting will be opened in prayer.

## 4 RECORD OF ATTENDANCE

Members	Mayor Andrew McKibbin Deputy Mayor Katie Graham Clr Anthony Alevras Clr Michael Crye Clr Helen Hayden Clr Clive McCarthy Clr Frank O'Connor Clr Lauren Trembath Clr Ian Tucker
Staff	Gary Wallace, General Manager Damian O'Shannassy, Planning and Development Director Mathew Webb, Corporate Services Director Dr Cornelia Wiebels, Technical Services Director Sharon Swannell, Executive Coordinator
Leave of Absence	Nil

## 4.2 Oath Or Affirmation Of Office By Councillors

<b>4.2</b>	<b>Oath or Affirmation by Councillors</b>
File No:	Governance/Councillors
Author:	Gary Wallace, General Manager

### Summary

A by-election was held by countback following the resignation of Cllr Jill O'Grady. The Electoral Commission declared the results of the poll on Tuesday 4 March and Cllr Michael Crye was elected.

Under Section 233A of the *Local Government Act 1993* a councillor must take an oath of office or make an affirmation of office at or before the first meeting of a newly-elected council or at a newly-elected councillor's first meeting following a by-election.

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### Recommendation:

That Council note that Councillor Michael Crye took the Oath or Affirmation of Office at the commencement of the meeting.

That Councillor Crye sign the Oath or Affirmation document confirming his pledge.

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### List of Attachments

{attachment-list}

### Comment

Under the requirements of the Local Government Act 1993, councillors (including mayors) are required to take an oath or affirmation of office. Oaths or affirmations of office must be taken by each councillor at or before the first meeting of the council after being elected.

- Each council will need to make arrangements for the oath or affirmation to be taken by each councillor at the first meeting of a newly-elected council or at a newly-elected councillor's first meeting following a by-election.
  - Councillors should be made aware of this requirement prior to the first meeting of a newly-elected council or the newly-elected councillor's first meeting following a by-election.
  - An oath or affirmation should be taken by each councillor as the first item of business for the meeting.
  - The general manager must ensure that a record is kept of the taking of the oath or affirmation. This can be done by way of a signed statement containing the oath or affirmation or by recording the taking of the oath or affirmation by each councillor in the minutes of the council meeting.
  - If the councillor is unable to attend the first council meeting, he or she may take the oath or affirmation of office at another location in front of the general manager.
  - The oath or affirmation of office may also be taken before an Australian legal practitioner or a Justice of the Peace.
  - The taking of the oath or affirmation outside a council meeting must be publicly recorded by the council.
  - Where an oath or affirmation is taken outside a council meeting, a council staff member should also be present to ensure that an accurate record can be kept by the council.
-

It should also be noted that:

- A councillor who fails, without a reasonable excuse, to take the oath or affirmation of office, will not be entitled to attend council meetings until they do so and will be taken to be absent without leave.
- If a councillor is absent without leave for three consecutive ordinary council meetings their office is automatically declared vacant and a by-election must be held.

The Oath and Affirmation are:

### **Oath**

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of the Oberon Local Government Area and the Oberon Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

### **Affirmation**

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Oberon Local Government Area and the Oberon Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

### **Financial Implications**

Nil

### **Relevance to Oberon Community Strategic Plan**

#### **Theme 5: Leadership and Engagement**

*Action 5.2 Council has sound organisational health, with strong leadership and governance frameworks*

5.2.1 Enable Elected Members to better represent community

#### **Risk Category**

Governance

#### **Risk Severity Ranking**

Insignificant - 20%



## 5 DECLARATIONS OF INTEREST

### A GUIDE TO ETHICAL DECISION-MAKING

*(Provided by the Independent Commission Against Corruption)*

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and code of conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

*A conflict of interest is a clash between private interest and public duty. There are two types of conflict:*

- Pecuniary – regulated by the Local Government Act and Department of Local Government
- Non-pecuniary – regulated by codes of conduct and policy. ICAC, Ombudsman, Department of Local Government (advice only)

*The test for conflict of interest:*

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain
- Important to consider public perceptions of whether you have a conflict of interest

*Identifying problems*

- 1st Do I have private interests affected by a matter I am officially involved in?
- 2nd Is my official role one of influence or perceived influence over the matter?
- 3rd Do my private interest's conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

When making a Declaration of Interest the reason for making the declaration should be clearly stated. Pecuniary and Non-Pecuniary Significant Interests should be managed by leaving the room while the matter is considered.

Pecuniary -  
Non-Pecuniary Significant -  
Non-Pecuniary Less than Significant -

## 6 PRESENTATIONS

A presentation will be provided by Matt Armstrong, Regional Development & Engagement Manager – NBN Local Central NSW in relation to NBN's latest updates and rollouts.

## 7 QUESTIONS FROM THE PUBLIC

The public gallery is open to members of the community. The community is to be given the opportunity to ask questions at the commencement of the council meeting, and the Mayor is to ask for questions from the gallery prior to the commencement of the ordinary meeting.

Members of the public wishing to address Council are permitted to do so provided the following guidelines are adhered to:

1. The person asking the question at the Council meeting must clearly state their name and in what capacity they are acting.
2. If the person asking the questions is acting as another person/organisation's agent, they must advise Council if they have their prior consent/authority.

Questions from the public is not an opportunity for debate with elected representatives or staff, it is an opportunity for the community to ask a question in relation to an issue or put a point of view relating to an issue that may be causing interest or concern. Due to time constraints a time frame of three minutes per speaker is allocated. All questions and comments must be directed through the Mayor and in the instance of a question, if it cannot be answered it will be taken on notice and a response given within a reasonable period. This is the only opportunity for a community member to address Council during an Ordinary Meeting.

None received.

## 8 CONFIRMATION OF MINUTES

<b>8.1 Ordinary Meeting 18 February 2025</b>
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Attached is the Minutes of the Ordinary Council Meeting held on 18 February 2025.

**Recommendation:**

That the Minutes of the Ordinary Meeting held on 18 February 2025 be confirmed.

**Matters Arising from the Minutes**

Nil



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Unconfirmed Minutes  
Oberon Council Ordinary Meeting  
Tuesday 18 February 2025

Commencing at 5:30 pm  
Held at the Oberon Council Chambers



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## 1 OPENING OF MEETING

The Mayor welcomed members and declared the meeting open at 5.30pm.

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## 2 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges that this meeting is being held on the traditional lands of the Wiradjuri, Gundungurra and Dharug People, and respects the history and culture of the elders both past and present.

## 3 PRAYER

The Meeting was opened in prayer by Cllr Clive McCarthy.

## 4 RECORD OF ATTENDANCE

Members	Mayor Andrew McKibbin Deputy Mayor Katie Graham Cllr Anthony Alevras Cllr Helen Hayden Cllr Clive McCarthy Cllr Frank O'Connor Cllr Lauren Trembath Cllr Ian Tucker
Staff	Gary Wallace, General Manager Damian O'Shannassy, Planning and Development Director Mathew Webb, Corporate Services Director Dr Cornelia Wiebels, Technical Services Director Sharon Swannell, Governance and Executive Manager
Leave of Absence	Nil

## 5 DECLARATIONS OF INTEREST

Pecuniary	- Nil
Non-Pecuniary Significant	- Nil
Non-Pecuniary Less than Significant	- Clr McKibbin declared an interest in report item 13.11. Clr McKibbin is the Chair of the Central Tablelands Weeds Authority

## 6 PRESENTATIONS

A presentation was provided by Kylie Shead, Executive Director of Arts OutWest and Oberon Delegate and Deputy Chair of Arts OutWest, Fran Charge.

Clr Hayden thanked Kylie for a great presentation. I noticed with your 50 year celebrations held last year. Will there be any more exhibitions like the arts exhibition you had at the Malachi because that is fantastic and the community enjoy that.

Kylie advised that we are always looking for arts opportunities. We do have our media exhibition that we are taking in an out of spaces at the moment, so yes there will be but at this point we cannot tell you what they will be or when they are coming. The media associates exhibition started at Forbes as part of our 50 year celebrations and that one has since been in Parkes.

The Mayor thanked Kylie and Fran for the presentation.

## 7 QUESTIONS FROM THE PUBLIC

### **Wayne Woodward, Humphries Drive Resident RE: DA 2024.05.6.**

Wayne tabled a map and asked that it be distributed to Councillors.

The road into this new development will come off Humphries Drive and along the boundary fence into my property. I have water tanks and roof catchment there and I am concerned that the winds coming from the west will blow all the dust into our tanks. We have sealed our roads to minimise dust and our neighbour has a concrete driveway. If this development is approved, I think the new road should be sealed. When Andrew Humphries owned this block and tried to get it developed, he couldn't get it broken up any smaller, so don't know what has happened there. Also the person doing this development has dumped dirt there. We have asked if it has been certified to be dumped there and haven't received any answers back.

### **Natasha Bennett, Humphries Drive resident, RE: DA 2024.05.6 .**

In the proposal, the applicants have included trees that will be put along the fence line. I am wondering what size the trees will be and how long before the development is approved they will start to work along my fence line. Will there be conditions on the houses that are to be built - what size dwellings, will they be single storey? I definitely believe the road should be sealed if it is to be approved.

### **Michelle Nielsen, member of the Oberon Aboriginal Community Group RE: Items 10.1, 10.2 & 10.3 on agenda.** Formal letter submitted.

As a member of the local Aboriginal community I have been inundated with complaints regarding Councillor Hayden's Notices of Motion. There have also been a number of formal objection letters submitted, which Councillors have copies of. The local Aboriginal Community Group have consulted with 7 family groups residing in Oberon and not one person has shown support for Councillor Hayden's Motions. They have voiced their distress in Councillor Hayden's unsafe cultural views, and

they feel they will cause division in the Oberon community. The Oberon Aboriginal Community Group ask that Councillors vote no to all three motions. Councillor Hayden does not speak for me, or the wider community of Oberon. Thank you.

**Micheal Kantaras, Oberon resident.**

I want to find out about a project last year regarding the scotch bloom. I am waiting to know if that project was successful? From what I can see, where work was done some of the scotch bloom has perished, which is great. I am asking if that project is going to be continuing and weather it was an Oberon Council project, or who was involved. Some of the outbreaks in the reserve near our place is out of control. Ask if that project could be continued. In the bush towards Lake Oberon there are huge amounts of Scotch Bloom along the dam and along the foreshore, it is quite dense in some parts. I am asking if that is a project that could help that part of the bush. Secondly, there are some really big trees that have fallen over fire trails in the bush at the back of the reserve, can that be looked at? it has been quite a few years since that has been addressed.

Mayor McKibbin took those questions on notice and advised that Council will provide a response.

**Peter Dykes, Oberon resident and Secretary of an aboriginal organisation RE: Items 10.1, 10.2 & 10.3 on agenda.**

I encourage councillors to oppose motions 10.1, 10.2 and 10.3. I have owned property here for over 40 years. I don't know if many are aware but Oberon Council was one of only four councils in NSW that never flew the Indigenous Flag in the International Year of Indigenous Peoples, and there were a lot more Councils than there are now. I have worked in Aboriginal Affairs for over 40 years and it's been a struggle. Recognition of this countries prior ownership is really important. Most of you are sitting around a table here are all of European decent, a lot of you have ancestors that have come from Great Britain. Great Britain was only first settled by modern man 15,000 years ago. Aboriginal people walked onto this continent 70,000 years ago. They were here before the first people of the Americas and here before most of the Central and Northern British Isles settled. Here not just a few years, but up to 50,000 years before. That acknowledgement of country is very important. It recognises that and it brings us all together. To do away with it, in my view, is a backwards step. Sure, we lost the referendum. You win some, you lose some but this is something we shouldn't lose. It is something really important and it binds this nation together, past and present. I am deeply opposed to what has been put here. I have worked as an employment officer and an ecologist and in that 40 years, we have had to come a long way. There will be many people who have had similar experience. My first wife's mother was from Condobolin and when a lady from a Government department called around to see how she was going when they moved to Orange, by 5 O'clock she was on the train back to Condobolin. So scared was she of the Government. There would be many people here whose parents and grandparents would have had similar experiences. Acknowledgement of Country is bringing us together, to do away with it today would only create further divisions. I would like to ask you to reject these three motions. Thank you for your time.

**Bridey, Wiradjuri woman from the Central West and Youth Ambassador of the Uluru Dialogue RE: Items 10.1 & 10.3 on agenda.**

Thank you for allowing me the chance to speak. While the 2023 Voice referendum result (which was used as a basis for agenda items 10.1 & 10.3) was disappointing for Indigenous peoples, we acknowledge that the outcome was no. It is important to address a few key points in regard to the referendum. The first is that independent research conducted post referendum has shown that the majority of people went to the voting box not knowing that a majority of Indigenous peoples supported the Voice. 83% of First Nations people were reported as supporting The Voice in the lead up. Polling results after the fact have shared the same data. A few quick statistics from some of the most remote communities in the country: Palm Island 75% yes, Yarrabah 75.7%, In the NT 19 out of 20 remote polling booths recorded an overwhelming Yes vote. Additionally, the research has shown that another key part of the No campaigns argument was that The Voice would divide us along the lines of race. This argument was a deliberate deception as the Constitution in its current form already divides Australians based on race, with Section 51.26 allowing parliament to make laws for the



people of any race for whom it is deemed necessary to make special laws. This power has typically been used against Indigenous people so the idea the idea that we would be divided by race is already in our countries founding document, it's already happening. Any one politician or otherwise that says differently is inaccurately representing community as we've heard tonight. The referendum while focused on a constitutionally enshrined voice was never in relation to anything else, not acknowledgement to country, not a state voice, I would like to note that a state voice is not currently on the reform agenda either. As the Closing the Gap statistics released last week show, we need serious change to ensure that Indigenous communities are on par with the rest of the nation in areas like healthcare and housing. Motions like this, relating to a reform that isn't even on the agenda in NSW do nothing but fear monger and cause harm. My question is: Why weren't local community not consulted on agenda items 10.1 through to 10.3 and weather Council feel that these motions should truly go ahead without the support of our local Indigenous community? Thank you.

**Geoff Scott, Wiradjuri man RE: Items 10.1, 10.2 & 10.3 on agenda.**

I was the Director of the Uluru Dialogue and I was also the Director of the referendum (?) and when these items came up, I feel that I would like to correct the record and advise council of the misinformation, that I would like to correct and not the least I would like people to be informed. I acknowledge the other speakers and was pleased you mentioned. The referendum was two things, simple and straight forward it was to recognise the Aboriginal people in the constitution and give Aboriginal people a say in matters that effect them. Nothing more and nothing else. To suggest that it was about banning a welcome to country, banning acknowledgement and banning truth telling is disingenuous at best and at worst, mischievous and outright lying. Welcome to Country, acknowledgement and truth telling is about courtesy, respect and unity. Recently, I have been listening to and watching videos of Holocaust survivors who are telling their truths, and they still do it today. They do it because they have a right to do it and they have a right to be listened to. They remind us of history, so we don't forget and we learn. That is what truth telling is about and what we should be doing. One of the motions mentioned in the in the papers was the amount of the referendum cost. \$400 million is a lot of money. It wasn't the Labour party that put that together. The no party put that cost together, it wasn't from the campaigns. That's what the people who actually voted for and passed the constitution put in place. They put in place a process where the Australian people clearly could vote on an amended Constitution and that costs money. Democracy is not cheap. No, I don't think we should cheapen it by having these insinuations that it's a waste of money. Democracy comes at a cost, but it's important. That's what makes this country the best country in the world. The other point I want to make here about the referendum is that with the loss of the referendum, nothing changed. Existing programmes, existing responses remain the same. The No campaign had no alternatives and no ways to go about addressing it. So we were left going into doing things the same way. I think most Australians will be appalled, we've got five or six decades of significant amounts of money and commitment going to try and resolve the issues that face Aboriginal people with the outcomes that are not there. It's an indictment on all of us and I think every taxpayer will want to say, well, why? The referendum was an attempt to fix that. We don't have that fix now, we've got to try some other way. To give you an example of it? We have no way forward the programme failed, but I won't go into others. But there was issues about what they are. My current job is the CEO of Just Reinvestment, which is investing in kids to keep them out of jail. One figure of particular interest, do you know the percentage of Aboriginal kids that are in our jails? 72% of all children in jail are Aboriginal. In the adult prison system, 37% of all people in jail are Aboriginal people. People think that's normal. Those figures for health, housing, justice are being normalised. We don't get outraged by it, we accept it. We can't accept that's the way forward. So I'm just making those points because we have to do better. But we're arresting all the fundamentals here and the explain motions which are based on misinformation and lies. Which the No campaign was not based on fact. And I thank you for the opportunity to have this say about those matters. This level of government is the closest community and having this debate at this level gives us the opportunity to correct the record. So thank you for this opportunity.

**Vicki McKinnon, Arkstone Road landowner regarding report item 13.6.**

I would like to know why a development application for a motocross track is recommended for approval when:

- The acoustic report does not clearly define the acoustic contours associated to the proposed use?
- We, the adjoining landowner do not know how much of the property is going to be impacted by noise. The application does not clearly indicate or illustrate the extend of the impact on our property?
- There is no clear indication as to how it is to be modified to ensure our property is not going to be impacted by the noise?
- The accommodation are is not subject to a noise assessment. The accommodation style is clearly dormitory so recreation will occur outside, with direct impact on our property?
- There are clearly two acoustic reports that are in disagreement. Surely we can get a peer review warranted?
- A commercial development is allowed to use a Crown Road Reserve as it's access. If I was building a house, I would be made to upgrade the road to Council standard and then the road be gazetted as a public road. So why are we having double standards here?
- The OMP does not address how trespassing on our property will be prevented?
- No developer contributions have been levied against it despite Council's Contribution Plan requiring payment for this?
- With a wastewater system only designed for a maximum daily flow associated to three day occupation, not seven days occupation on the site? And why does Coucil's report state that this is okay?
- With tourist accommodation allowed on the boundary of our property? Our right to farm will be impacted by this commercial development within metres of our fence line.
- Why does a dwelling have a setback of 150m from a boundary yet Council considers this okay for the commercial accommodation against our boundary fence?
- Why is this development being rushed through the assessment process? Why one set of standards for a DA assessment at Shooters Hill a few years ago and a different standard for this DA, even if the scale of development is smaller it should not benchmark this development.

**Mark Hitchinson, Navigate Planning applicant for report item 13.6.**

We don't propose to respond to all of the issues that have been raised today verbally. We have been made aware of all the issues that have been raised in submissions, and we have provided Council with a response to all of those issues, including further technical advice from our acoustic consultant. Council has that information and I hope that you have had a chance to review that. I would just like to say that the applicant is happy with the conditions that are proposed, we understand the development contributions condition is supposed to be added initially but that was missed, and we are happy with that. Just in relation to access, we believe that Council's engineers have assessed the proposal and have recommended an appropriate condition to address that and we are fine with that. As I have said, in relation to the acoustic issues which is, I think, the key issue that our acoustic consultant has provided the technical advice, I'm not a technical expert in acoustic matters, so I don't propose to talk to the specific issues, but that's been provided to Council. And we leave that with you for consideration and assessment. Thank you. And Cory might like to speak as well.

**Corey DeMarco, applicant of report item 13.6.**

Good evening, Mayor, Councillors, Council. I would like to say when I first decided to make the business in my property, I went over and discussed the idea with my neighbour, Vicki and Brad. They were at the time 100% supportive of the idea. Shortly after that I had a weekend and I had 55 friends coming up riding at the property. There were no one way signs. There were no slow zones. There was no nothing. There was no rules. It was unorganised weekend. It all suck up very quickly. I invited 10 and then there were 55 guys. After the weekend was over, I spoke to Brad and Vicki, who were up at the weekend and they told me that they heard nothing, that they saw cars with bikes

and they thought they were going to the National Park, but they heard no noise and they were amazed. I've heard now I've now had mates coming up for the past eight years, I've spent a lot of time thinking about where we can ride, where the noise stays inside my property so I can control it. because I don't like noise either, but even when I do have to put up with it, I don't have to put up with it myself. Unfortunately, through a lot of gun safety issues that I had with Brad, they do not want to be neighbourly anymore. The gun issues were a matter of life and death, and it was just completely just dismissed. Our friendship has failed. Since the failure Brad and Vicky have tried as hard as possible to give me grief, stop me from earning a living and to stop me from starting a business. I do not interfere with their life, with the cow noise and babies getting taken away from their mothers and mooing all night long and everything else. It's part of farming, whatever. I would like to say that every report I've submitted to council has been by a qualified engineer in that field. The report councillors asked for has been given, paid for. The engineer came to the property, did their tests, gave me a report. I paid for it, end of story, end of relationship with that engineer. I did not know them. I did not influence them. They just did their job. Brad and Vicki's town planner, is Jacqueline Burns. Jacqueline Burns is Vicky's friend, Brad and Vicki's acoustic engineer is Brad's mate. Every professional report I have made, I have put forward and Brad and Vicki have tried to discourage discredit it. All of the accusations made by Brad and Vicki against these reports have been responded to by professionals that wrote the reports and did the tests that proved the report to be correct. These responses have been accepted by Council. Brad and Vicky are still making noise on anything they can waste time with. They are just trying to cost me money and waste my time. I ask councillors to look at my situation and my life. My business will bring a lot of money.

Mayor McKibbin advised Mr DeMarco he was approaching time and to be careful not to be defamatory.

I'll ask councillors to look at my situation, my life, my business will bring a lot of money to community. It will help men, mental health, provide a legal place to ride for locals and out of towners alike. It will provide a place for families to get out of the city and experience bush life under the stars. It'll allow me to move on with my life. My business will bring in around about \$500,000 a year into Oberon, into the village itself. That's just on the weekend. The weekend is mostly pretty much what we want. At the end of the day, I don't see too many people bringing you that kind of money. It's going to be a good business. It's very quiet, the locations are quiet. We've had Councillors out to my place, they've listened to motorbike running around and one of the Councillors response was the cicadas are making more noise.

**Kylie Provist, Wiradjuri Woman and Oberon resident speaking on items 10.1, 10.2 and 10.3 on agenda:**

I've been living in the Oberon area for about 15 years now and in the Bathurst area for about 25. I just want to support all the other claims of 10.1, 10.2 and 10.3 and just basically reaffirm that throughout the day there's been a few letters of support that have come in from the Bathurst local Aboriginal Lands Council who are opposing the motion. Pejar Aboriginal Lands Council, which also oppose all three motions. The Wiradjuri traditional owners sent for Central West Aboriginal Corporation and I've also had phone calls from Mingaan Aboriginal Corporation Lithgow, who also oppose all three motions. And I just wanted to say that I don't think it's a very positive move by Council and the whole of the Community, not just the Aboriginal community. Thank you.

**Robin Wiseman, Oberon resident.**

I like to bring your attention to I've been here for 21 years and when we first came here. We came here for the people because they're friendly and it was seen to be close community, who cared about one another and also for the fresh plain water. But that's another subject. What I want to actually ask you is that please don't take on anymore big projects. Look after what we've got. We've got a beautiful common down the road. That is full of thistles and they're all ready to blow out. I mentioned it to a Councillor and he had the Rose Garden organised and done but they haven't done anywhere else and even if they just go through and cut down and get rid of the thistle that is raging through the common and I know it's elsewhere now. It first started off, I can go back to about 2010, I think it was.

I saw it in the reserve and it was never at all anywhere over in the common. You've done a beautiful job with it, but we don't appear to have the ability to look after what we've got. And I think it's time to stop and look at what we've got and do the maintenance. If we take on a project, please, look at the maintenance side of it. If we don't have the money, don't do it. Thank you.

## 8 CONFIRMATION OF MINUTES

<b>8.1 Ordinary Meeting 17 December 2024</b>
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Moved: Clr Hayden

Second: Clr Tucker

That the Minutes of the Ordinary Meeting held on 17 December 2024 be confirmed.

### Matters Arising from the Minutes

Nil

**Carried** - Resolution No: 1 - 18/02/2025

### Division

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor,  
Clr Trembath and Clr Tucker

Votes against: Nil

## 9 MAYORAL MINUTE AND REPORT

<b>9.1 Mayoral Minute and Report - February 2025</b>
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File No: Governance/Mayor/General
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Author: Mayor Andrew McKibbin
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### Summary

This report summarises the main activity for the Mayor since the last report.

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Moved: Clr McKibbin

Second: Clr O'Connor

That Report Item 09.01 is received as information.

**Carried** - Resolution No: 2 - 18/02/2025

### Division

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor,  
Clr Trembath and Clr Tucker

Votes against: Nil

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Moved: Clr Trembath  
Second: Clr O'Connor

That Report Items 10.1, 10.2, 10.3 and 10.4 be dealt with at this point in time and that report items 13.4 and 13.6 be brought forward.

**Carried** - Resolution No: 3 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor,  
Clr Trembath and Clr Tucker

Votes against: Nil

## 10 NOTICES OF MOTION

<b>10.1</b>	<b>Acknowledgment of Country</b>
File No:	Governance/Meetings/Ordinary
Author:	Clr Helen Hayden

Moved: Clr Hayden  
Second: Clr Alevras

That Council:

1. Remove the acknowledgment to country from the Oberon council's code of meeting practice.
2. Discontinue the practice of acknowledgment or welcome to country at all future council events, openings and dignitary visits.
3. Remove any reference to acknowledgment or welcome to country from the council's websites and media.
4. Ensure that all visitors, council members and staff are informed of the updated practices.

**Amendment**

Moved: Clr Tucker  
Second: {seconder}

That the matter be deferred until the Code of Meeting Practice is reviewed.

The amendment lapsed for want of a seconder, the original motion stands.

Moved: Clr Hayden  
Second: Clr Alevras

That Council:

1. Remove the acknowledgment to country from the Oberon council's code of meeting practice.
2. Discontinue the practice of acknowledgment or welcome to country at all future council events, openings and dignitary visits.
3. Remove any reference to acknowledgment or welcome to country from the council's websites and media.
4. Ensure that all visitors, council members and staff are informed of the updated practices.

**Lost**

**Division**

Votes for: Clr Alevras, Clr Hayden and Clr McCarthy

Votes against: Clr McKibbin, Clr Graham, Clr O'Connor, Clr Trembath and Clr Tucker

<b>10.2</b>	<b>Recognition of Australia Day</b>
File No:	Governance/Meetings/Ordinary
Author:	Clr Helen Hayden

Moved: Clr McCarthy  
Second: Clr McKibbin

That Council deal with the motion as two separate items.

**Carried** - Resolution No: 4 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Hayden, Clr McCarthy and Clr Tucker

Votes against: Clr Graham, Clr O'Connor and Clr Trembath

Moved: Clr Hayden  
Second: Clr Alevras

That Council reaffirms its commitment to recognising and celebrating Australia Day on January 26th as a day of national significance.

**Lost**

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Hayden and Clr McCarthy

Votes against: Clr Graham, Clr O'Connor, Clr Trembath and Clr Tucker

The vote was tied, the Mayor used his casting vote and voted against the motion. The motion was lost.

Moved: Clr Hayden  
Second: Clr Alevras

That Council aim to schedule the majority of citizenship ceremonies on Australia Day, the 26th of January, every year commencing from 2026 to honour the importance of Citizenship and the recognition of new citizens on this significant day. Any additional ceremonies needed will be scheduled for 17 September each year.

### Lost

#### Division

Votes for: Clr Alevras and Clr Hayden  
Votes against: Clr McKibbin, Clr Graham, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

<b>10.3</b>	<b>Voice to NSW Parliament</b>
File No:	Governance/Meetings/Ordinary
Author:	Clr Helen Hayden

Moved: Clr Hayden  
Second: Clr Alevras

That Council:

1. Oppose any support of a First nation Voice to NSW Parliament as stated in resolution 97 of the Local Government NSW annual Conference Business Paper 2024.
2. Mayor and/or General Manager are to consult with the “whole of Council” (*Governing Body*) before voting on any such motion that is the direct opposite of the outcome of the 2023 federal “Voice” referendum, at any NSWJO, country Mayors association meeting or LGNSW conference.
3. Recognise that the 2023 Voice referendum outcome in the Oberon Community 78.75% Voted-NO.
4. Recognise that the majority of Australians in every jurisdiction other than the ACT voted No to the Federal Voice referendum 2023.

#### Amendment

Moved: Clr Tucker  
Second: {seconder}

That Council:

1. Oppose any support of a First nation Voice to NSW Parliament as stated in resolution 97 of the Local Government NSW annual Conference Business Paper 2024.
2. Mayor and/or General Manager are to consult with the “whole of Council” (*Governing Body*) before voting on any such motion that is the direct opposite of the outcome of the 2023 federal “Voice” referendum, at any NSWJO, country Mayors association meeting or LGNSW conference.

3. Recognise that the 2023 Voice referendum outcome in the Oberon Community 78.75% Voted-NO.
4. Recognise that the majority of Australians in every jurisdiction other than the ACT voted No to the Federal Voice referendum 2023.
5. Recognise that a large majority of people in indigenous communities voted yes to the Federal Voice referendum 2023.

The motion lapsed for want of a seconder, the original motion stands.

Moved: Clr Hayden  
Second: Clr Alevras

That Council:

1. Oppose any support of a First nation Voice to NSW Parliament as stated in resolution 97 of the Local Government NSW annual Conference Business Paper 2024.
2. Mayor and/or General Manager are to consult with the “whole of Council” (*Governing Body*) before voting on any such motion that is the direct opposite of the outcome of the 2023 federal “Voice” referendum, at any NSWJO, country Mayors association meeting or LGNSW conference.
3. Recognise that the 2023 Voice referendum outcome in the Oberon Community 78.75% voted No.
4. Recognise that the majority of Australians in every jurisdiction other than the ACT voted No to the Federal Voice referendum 2023.

#### **Lost**

#### **Division**

Votes for: Clr Alevras, Clr Hayden and Clr McCarthy

Votes against: Clr McKibbin, Clr Graham, Clr O'Connor, Clr Trembath and Clr Tucker

<b>10.4</b>	<b>Fluoridation of Oberon Water Supply</b>
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File No:	Governance/Meetings/Ordinary
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Author:	Clr Tony Alevras
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Moved: Clr Alevras  
Second: Clr Hayden

That Council:

1. Send the letter attached to this motion to the NSW Minister for Health raising concerns about the recent U.S. District Court ruling on fluoride in drinking water, highlighting the potential neurotoxic risks to children, and the higher fluoride dosage allowed in Australia compared to the U.S. For context, attach the U.S. District Court ruling, report from the U.S. Department of Health and Human Services and the Cochrane Report. The letter will also request the NSW Ministry of Health to review the current fluoride policies in the Public Health Act 2010 (NSW) in light of recent developments and emerging scientific research, provide guidance to Oberon



Council on any health implications of fluoridation, and consider granting councils the autonomy to set local fluoridation policies.

2. Council to provide a financial analysis of the costs involved in fluoridating the local water supply, including the costs of purchasing, transporting, and administering fluoride.
3. Investigate if Hydro fluorosilicic acid in the Oberon water supply is reacting with old copper and clay piping, particularly if the pipes are corroded, have mineral deposits, or contain contaminants like lead or iron affecting the quality of the water supply.
4. Council to conduct survey to gather data on community's current position on water fluoridation.
5. Subject to the advice received from the NSW Health Minister, consider reallocating funds currently allocated for water fluoridation towards supporting a possible dental practice in Oberon.
6. Send a copy of our letter addressed to the Minister along with supporting documentation and to all councils in NSW.

### Lost

### Division

Votes for: Clr Alevras, Clr Hayden and Clr McCarthy

Votes against: Clr McKibbin, Clr Graham, Clr O'Connor, Clr Trembath and Clr Tucker

Council rose for a break at 7.21pm.

Council resumed at 7.30pm.

<b>13.4</b>	<b>DEVELOPMENT APPLICATION DA2024.056 – Three Lot Subdivision at 72 Humphries Drive, Oberon</b>
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File No:	PR634-72
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Author:	Damian O'Shannassy (Planning and Development Director), Mark Hitchenson (Consultant Town Planner)
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### Summary

Council has received development application DA2024.056 for a three lot Torrens title subdivision at 72 Humphries Drive, Oberon (Lot 46 in DP 1272904). The subdivision seeks to create three lots, all equal to or larger than the minimum lot size of 2ha. The land is currently vacant other than for the location of a shed on proposed Lot 461. Access to Lot 461 will be directly from Humphries Drive, with a right of carriageway to provide access to the other two proposed lots.

The development application was notified with two submissions received. The issues raised in submissions were provided to the applicant for a response. The applicant's response was provided to the persons who made the submissions. As the submissions were not withdrawn, they remain current and therefore the application is reported to Council for determination.

The development is compliant with the Oberon Local Environmental Plan 2013 and the Oberon Development Control Plan 2001.

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Report item 13.4 and 13.6 were brought forward and dealt with at 7.30pm.

Moved: Clr Trembath

Second: Clr Hayden

That:

1. Council approve Development Application DA2024.056 for a Three Lot Torrens title Subdivision of land at Lot 46 in DP 1272904, being known as 72 Humphries Drive OBERON in accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained within this report, for the following reasons:
  - The development is permissible within the Oberon Local Environmental Plan 2013.
  - The development complies with the Oberon Local Environmental Plan 2013.
  - The development is considered to be appropriate and will not impact the locality unreasonably.
2. Conditions of consent to include;
  - a. That the right of carriage way be bitumen sealed to a minimum of 4 metres wide;
  - b. The current tree buffer zone be extended along the northern boundary of Lot 461.
3. A division be called in accordance with Section 375A of the Local Government Act 1993.

**Carried** - Resolution No: 5 - 18/02/2025

#### **Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

<b>13.6</b>	<b>DEVELOPMENT APPLICATION 10.2023.30.1 - Recreation Facility (Outdoor - Motorcycle Facility), and Accommodation</b>
File No:	DA 10.2023.30.1
Author:	Bennett Kennedy (Senior Town Planner), Damian O'Shannassy (Planning and Development Director)

#### **Summary**

Council is in receipt of a Development Application 10.2023.30.1 (PAN-328425) for the use of 3117 Arkstone Road, Jeremy for the purpose of a Recreation Facility (Outdoor) and Accommodation.

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Moved: Clr Trembath

Second: Clr O'Connor

That Council defer the decision on DA 10.2023.30.1 and request a further report on the Draft Conditions be brought back to the March Council Meeting to address concerns regarding access and signage via Arkstone Road and Section 711 contributions applicable to the site.

**Carried** - Resolution No: 6 - 18/02/2025

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**Division**

Votes for: Clr McKibbin, Clr Graham, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Clr Alevras, Clr Hayden and Clr McCarthy

Clr O'Connor left the meeting at 7.34pm and returned at 7.34pm.

## 11 COUNCILLOR AND DELEGATES REPORTS

<b>11.1</b>	<b>Burraga and District Community Association Meeting</b>
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File No:	Governance/Meetings/Ordinary
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Author:	Mayor Andrew McKibbin
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**Summary**

The most recent meeting of the Burraga and District Community Association was held at Burraga on 12 December 2024 at 7.30pm.

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Moved: Clr Hayden

Second: Clr McKibbin

That Council receive and note the Burraga and District Community Association Meeting delegates report.

**Carried** - Resolution No: 7 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

## 12 COMMITTEE REPORTS

<b>12.1</b>	<b>Audit Risk and Improvement Committee Meeting - 11 December 2024</b>
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File No:	Governance/Meetings/ARIC
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Author:	Mathew Webb (Corporate Services Director)
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**Summary**

Minutes of the Audit Risk and Improvement Committee Meeting held on 11 December 2024 are submitted for Council's information and endorsement.

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Moved: Clr Tucker  
Second: Clr Hayden

That Council receive and note minutes of the Audit Risk and Improvement Committee Meeting held on 11 December 2024.

**Carried** - Resolution No: 8 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor,  
Clr Trembath and Clr Tucker

Votes against: Nil

## 13 REPORTS FOR DECISION

<b>13.1</b>	<b>Quarterly Budget Review Statement 2 - October - December 2024</b>
File No:	Finance/2024-25FY/QBR1
Author:	Zoe Marks (Finance Manager), Mathew Webb (Corporate Services Director)

**Summary**

The Quarterly Budget Review Statements (QBRS) for the period 1 October to 31 December 2024 are provided as an attachment following this report in accordance with the requirements, of the Office of Local Government.

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Zoe Marks entered the meeting at 7.56pm.

Moved: Clr Trembath  
Second: Clr O'Connor

That Council:

1. Note movements from previous resolutions incorporated into Quarterly Budget Review process.
2. Endorses the following Operational Plan budget adjustments
  - a. Adjustments to Local Roads and Community Infrastructure Phase 4 projects and expenditure revisions.
  - b. Additional capital works of \$300,000 for the Sewer Rising Main Program from Sewer Fund reserves.
  - c. An additional capital project of \$60,000 for the survey, concept development and detailed design of a new landfill cell from Waste Fund reserves.
  - d. An \$85,000 increase in the consultant budget from Waste Fund reserves for the development of a new waste strategy.
3. Authorises the General Manager to make minor administrative changes as required.

**Carried** - Resolution No: 9 - 18/02/2025

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**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

Zoe Marks left the meeting at 8.11pm.

**13.2 Policy 2212 - Borrowing Policy**

File No: Finance/Borrowing Policy

Author: Zoe Marks (Finance Manager), Mathew Webb (Corporate Services Director)

**Summary**

Council has undertaken a review of the Borrowing Policy in accordance with the scheduled review period. After completing the review, no substantive amendments are proposed, aside from updating the review box and revision date.

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Moved: Clr Hayden

Second: Clr O'Connor

That Council:

1. Place the revised Borrowing Policy 2212 on public exhibition for 28 days and invite submissions from the public during that period.
2. Adopt the policy as presented if no submissions are received within the exhibition period.
3. Delegate authority to the General Manager to make minor amendments if required.

**Carried** - Resolution No: 10 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

**13.3 DEVELOPMENT APPLICATION DA2024.073 – Dwelling and Shed at 11 Ellis Drive, Oberon**

File No: PO648-11

Author: Damian O'Shannassy (Planning and Development Director), Mark Hitchenson (Consultant Town Planner)

**Summary**

Council has received a Development Application (DA2024.073) for a dwelling and shed at 11 Ellis Drive, Oberon. The subject land is a corner lot and the development seeks to have a 2m setback for the dwelling to Throsby Drive, less than the minimum 3m control in the Oberon Development Control Plan. The proposed shed is 80.5m<sup>2</sup> in size, larger than the maximum 60m<sup>2</sup> control in the Oberon Development Control Plan.

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### Key Issue

The development does not comply with the minimum 3m street setback requirement for residential development, the maximum 60m<sup>2</sup> control for detached garages and carports and the building height plane control in the Oberon Development Control Plan 2001. The setback to Throsby Way is proposed to be 2m. The proposed shed is 80.5m<sup>2</sup> in size. The building height plane variation is minor at less than 20%. The DA was notified to surrounding properties with one submission received.

As outlined in this report, the proposal is considered acceptable despite the DCP variations and the issues raised in the submission.

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Moved: Clr Hayden  
Second: Clr McCarthy

That:

1. Council vary Part C5.5 – “Building Height Plane”, Part C.5.7 – “Setback from the Street” and Part C6.4 – “Carports and Garages” of its current DCP 2001 in relation to Development Application DA2024.073 for a dwelling and shed at Lot 221 in DP 1308486 being known as 11 Ellis Drive, Oberon.
2. That a division be called in accordance with Section 375A of the Local Government Act 1993.

**Carried** - Resolution No: 11 - 18/02/2025

### Division

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker  
Votes against: Nil

<b>13.5</b>	<b>DEVELOPMENT APPLICATION DA2024.079 – Alterations and Additions to a Dwelling at 7 Glyndwr Avenue, Oberon</b>
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File No:	PO105-7
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Author:	Damian O'Shannassy (Planning and Development Director), Mark Hitchenson (Consultant Town Planner)
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### Summary

Council has received a Development Application (DA2024.079) for alterations and additions to a dwelling. The alterations consist of the removal of an external wall and some internal robes. Existing bedroom 4 will be converted to a walk-in robe. The additions consist of a new ensuite. A variation to the building height plane for the dwelling addition is proposed.

### Key Issue

The development does not comply with the with the building height plane control of the Oberon Development Control Plan 2001 in relation to the southern side boundary. The variation to the eastern boundary is 36% and therefore must be determined by Council. The proposal was notified with no submissions received.

As outlined in this report, the proposal is considered acceptable despite the DCP variation.

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Moved: Clr Hayden  
Second: Clr O'Connor

That:

1. Council vary Part C5.5 – “Building Height Plane” of its DCP 2001 in relation to Development Application DA2024.079 for alterations and additions to a dwelling at Lot 1 in DP 782121 being known as 7 Glyndwr Avenue, Oberon.
2. A division be called in accordance with Section 375A of the Local Government Act 1993.

**Carried** - Resolution No: 12 - 18/02/2025

#### **Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

<b>13.7</b>	<b>DEVELOPMENT APPLICATION DA2024.085 – Dwelling at 104 Arties Road, Mount Olive</b>
File No:	PR261-104
Author:	Damian O'Shannassy (Planning and Development Director), Mark Hitchenson (Consultant Town Planner)

#### **Summary**

Council has received a Development Application (DA2024.085) for a dwelling at 104 Arties Road, Mount Olive. The subject land contains a restriction on title that no septic tank effluent be discharged within 200m of the Fish River. The Oberon Council is the body with the authority to vary this restriction on title.

The development application is accompanied by a Section 68 application for on-site sewage management that includes a wastewater treatment report showing the effluent disposal area being less than 200m from the Fish River.

The restriction was based on a provision in the former Oberon Local Environmental Plan 1998 that was superseded by the Oberon LEP 2013. As this provision no longer applies and the wastewater report demonstrates that effluent disposal can be undertaken meeting the current buffer requirements of 100m, Council can agree to vary this restriction.

The development application is currently on notification to adjoining owners. Should any submissions be received, a further report will be presented to Council.

#### **Key Issue**

The development does not comply with a restriction on the title of the land to which Oberon Council is the benefitting authority. The restriction relates to the distance of the effluent disposal area from the Fish River.

The proposed effluent area will be within 200m of the Fish River, but greater than 100m from the river. Under current standards, a distance of 100m is considered acceptable. Council's Building Surveyor has assessed the effluent disposal report provided with the application and has advised that the proposal is acceptable despite the non-compliance with the restriction on title.

Moved: Clr McCarthy

Second: Clr O'Connor

That Council:

1. Vary the restriction on title on Lot 3 in DP 1075939 in relation to development application DA2024.085 and Section 68 application S682024.036 for a dwelling on the subject land known as 104 Arties Road, Mount Olive.
2. A division be called in accordance with Section 375A of the Local Government Act 1993.

**Carried** - Resolution No: 13 - 18/02/2025

#### **Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

<b>13.8</b>	<b>DEVELOPMENT APPLICATION DA2024.092 – Dwelling at 57 Glendalough Road, Oberon</b>
File No:	PR638-57
Author:	Damian O'Shannassy (Planning and Development Director), Mark Hitchenson (Consultant Town Planner)

#### **Summary**

Council has received a Development Application (DA2024.092) for a dwelling at 57 Glendalough Road, Oberon. The subject land contains a restriction on title in relation to the location of a building envelope and an effluent disposal envelope. The Oberon Council is the body with the authority to vary this restriction on title.

The development application is accompanied by a Section 68 application for on-site sewage management that includes a wastewater treatment report showing the effluent disposal area being outside of the nominated effluent disposal area.

The nominated effluent disposal area on title is within 100m of Middle Creek and the proposed effluent disposal area is more than 100m from Middle Creek, resulting in a better environmental outcome. On this basis, Council can agree to vary this restriction.

The development application is currently on notification to adjoining owners. Should any submissions be received, a further report will be presented to Council.

#### **Key Issue**

The development does not comply with a restriction on the title of the land to which Oberon Council is the benefitting authority. The restriction relates to the location of the effluent disposal area on site.

The proposed effluent area will be located more than 100m from Middle Creek. Council's Building Officer has assessed the effluent disposal report provided with the application and has advised that the proposal is acceptable despite the non-compliance with the restriction on title.



Moved: Clr McCarthy  
Second: Clr Tucker

That:

1. Council vary the restriction on title on Lot 96 in DP 1238111 in relation to development application DA2024.092 and Section 68 application S682024.040 for a dwelling on the subject land known as 57 Glendalough Road, Oberon.
2. A division be called in accordance with Section 375A of the Local Government Act 1993.

**Carried** - Resolution No: 14 - 18/02/2025

#### **Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

<b>13.9</b>	<b>ARIC Member Resignation and Recruitment</b>
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File No:	Corporate Services\ARIC12
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Author:	Mathew Webb (Corporate Services Director)
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#### **Summary**

To inform Council of the resignation of Independent Member Ron Gillard from the Oberon Audit, Risk and Improvement Committee (ARIC) and to outline the proposed recruitment process for a replacement.

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Moved: Clr Tucker  
Second: Clr Trembath

That Council:

1. Note the resignation of Mr Ron Gillard and formally acknowledge his contributions to the Oberon Audit, Risk and Improvement Committee.
2. Approve the commencement of an open expression of interest process to recruit a new Independent Member to the Committee.

**Carried** - Resolution No: 15 - 18/02/2025

#### **Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

**13.10 Financial Assistance Policy 2209**

File No: Governance/Policies

Author: Mathew Webb (Corporate Services Director)

**Summary**

The Oberon Financial Assistance Policy has undergone a comprehensive review, with a revised version placed on public exhibition for community feedback. The updated policy introduces clearer categories for financial assistance, enhanced documentation and reporting requirements and a formalised review and public notification process. Community feedback and the updated policy are now presented to Council for endorsement in preparation for the 2025/26 financial year.

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Moved: Clr Hayden

Second: Clr Alevras

That Council defer consideration of the Financial Assistance Policy 2209 to the March 2025 Ordinary Meeting.

**Lost**

**Division**

Votes for: Clr Alevras and Clr Hayden

Votes against: Clr McKibbin, Clr Graham, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Moved: Clr Hayden

Second: Clr Graham

That Council move into Committee of the whole at this point in time 8.39pm.

**Carried** - Resolution No: 16 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

Moved: Clr Hayden

Second: Clr Graham

That Council resume the Ordinary Meeting at this point in time 8.42pm.

**Carried** - Resolution No: 17 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

Moved: Clr Tucker  
Second: Clr O'Connor

That Council:

1. Endorse the updated Financial Assistance Policy 2209 and incorporate the changes into the development of the 2025/26 Operational Plan.
2. Nominate Councillor Alevras to the Financial Assistance Program evaluation panel.
3. Note that the Mayor has nominated Councillor O'Connor as a delegate to the evaluation panel.
4. Delegate authority to the General Manager to make minor amendments if required.

**Carried** - Resolution No: 18 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

Mayor Andrew McKibbin declared a non-pecuniary, less than significant interest. 8.47pm. Mayor McKibbin is the Chair of the Central Tablelands Weeds Authority.

<b>13.11</b>	<b>Central Tablelands Weeds Authority Funding Request</b>
File No:	CTWA/ROADSIDE VERGE
Author:	Gary Wallace (General Manager)

**Summary**

Previously Council resolved to seek a meeting with the Central Tablelands Weeds Authority (CTWA) given the concern raised over the limited Roadside Weed Control Program undertaken by the CWTA under the Service Level Agreement previously supported by Council. This report seeks Councils support for additional funding to assist in the completion of Section 1 of the program this year and to provide a strategic approach to future years funding.

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Moved: Clr O'Connor  
Second: Clr Trembath

That Council:

1. Seek tenders for a schedule of rates from contract weed spraying companies, for council consideration for future roadside weed spraying services.
2. Rates schedule being based on three-year program, total kilometres, road map defined, including necessary processes and procedures.

**Lost**

**Division**

Votes for: Clr Hayden and Clr O'Connor

Votes against: Clr McKibbin, Clr Alevras, Clr Graham, Clr McCarthy and Clr Tucker

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Moved: Clr Hayden  
Second: Clr Alevras

That Council:

1. Commit an additional \$50,408.26 from the Technical Services allocation to complete section 1 of the program.
2. Indicate to CTWA that they wish to extend the current program from 3 to 4 years subject to Council decision as to whether to continue with the CTWA Roadside Weed Spraying Program.
3. Commit to including an extended allocation within the 2025-26 Operational Plan in an attempt to bring the period to within a 3 year program.
4. Obtain further reports be provided by CTWA in relation to the Roadside Weed Spraying program.
5. Investigate for the 2025/26 period issuing a request for tender to potential contractors to undertake the work directly for Council on roadsides. Further on receipt of the tenders provide a report to Council as a comparison of CTWA costings.

**Carried** - Resolution No: 19 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

## 14 REPORTS FOR INFORMATION

<b>14.1</b>	<b>Monthly Activity Report General Manager - December 2024 to January 2025</b>
File No:	Governance/Meetings/Ordinary
Author:	Gary Wallace (General Manager), Hannah Booth (Records and Communications Coordinator), Julie Baker (Library Manager), Rebecca Burgess (Work Health Safety and Risk Manager), Sharon Swannell (Governance and Executive Manager)

**Summary**

This report item summarises the main activity by the General Manager since the last report. Items include Human Resources, Workplace Health & Safety, Community Activity, Regional Issues, Executive Management Team Meetings and planned activities.

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Moved: Clr Hayden  
Second: Clr Graham

That report Item 14.1 is received as information.

**Carried** - Resolution No: 20 - 18/02/2025

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**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

**14.2 Monthly Activity Report - Planning & Development - December 2024**

File No: Governance/Meetings/Ordinary

Author: Kirsty Hanrahan (Building Surveyor), Lyn Hancox (Planning and Development Administration Assistant), Damian O'Shannassy (Planning and Development Director), Janet Bailey (Development Control Administration Officer), Sharon Inwood (Acting Facilities Manager)

**Summary**

This report item summarises the main activity in the Planning and Development Department since the December 2024 Council Meeting.

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Moved: Clr Hayden

Second: Clr McCarthy

That report item 14.2 is received as information.

**Carried** - Resolution No: 21 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

**14.3 Monthly Activity Report Technical Services - February 2025**

File No: Governance/Meetings/Ordinary

Author: Dr Cornelia Wiebels (Technical Services Director), Tania Matthews (Technical Services Administrative Assistant), Dani Bradshaw (Change Management Analyst), Thomas Dimec (Project Engineer), Geoff Paton (Works Engineer), Paul Robinson (Plant Manager), Gary Chapman (Roads Operation Manager), Andrew Krol (Water and Sewer Officer in Charge)

**Summary**

This report item summarises the main activities in the Technical Services Department during the months of December 2024 and January 2025.

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Moved: Clr Hayden

Second: Clr O'Connor

That report 14.3 is received as information.

**Carried** - Resolution No: 22 - 18/02/2025

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**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

**14.4 Monthly Activity Report Corporate Services - December 2024 to January 2025**

File No: Governance/Meetings/Ordinary

Author: Mathew Webb (Corporate Services Director), AJ Jack (IT and GIS Co-ordinator), Rhiannon Mijovic (Library Manager), Victoria Bewley (Acting Community Services Coordinator), Debra Keane (Tourism and Economic Development Manager), Zoe Marks (Finance Manager)

**Summary**

This report provides an update on the activities of the Corporate Services Directorate in December - January and forward plans.

---

Moved: Clr Hayden

Second: Clr McCarthy

That report item 14.4 is received as information.

**Carried** - Resolution No: 23 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

**- 14.5 Grants Update - January 2025**

File No: Governance/Grants 2024

Author: Toni Dwyer (Grants Co-ordinator), Mathew Webb (Corporate Services Director)

**Summary**

This report provides a summary of grant funding applications submitted and funding notifications received during December to January 2025.

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Moved: Clr McCarthy

Second: Clr O'Connor

That report item 14.5 is received as information.

**Carried** - Resolution No: 24 - 18/02/2025

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**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

**14.6 Investments - January 2025**

File No: Financial Management/Investments/Register

Author: Lisa Koleda (Management Accountant), Zoe Marks (Finance Manager)

**Summary**

This report provides Council with the Statement of Investments as of 31 January 2025.

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Moved: Clr O'Connor

Second: Clr McCarthy

That report item 14.6 is received as information.

**Carried** - Resolution No: 25 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

**14.7 Status of Council Resolutions - February 2025**

File No: Governance/Meetings/Ordinary

Author: Gary Wallace (General Manager), Damian O'Shannassy (Planning and Development Director), Mathew Webb (Corporate Services Director), Dr Cornelia Wiebels (Technical Services Director)

**Summary**

This report item summarises the current status of Council resolutions and provides updates for actions taken.

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Moved: Clr Hayden

Second: Clr McCarthy

That report 14.7 is received as information.

**Carried** - Resolution No: 26 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

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#### **14.8 Questions Taken on Notice at the Previous Meeting**

File No: Governance/Meetings/Ordinary

Author: Gary Wallace (General Manager), Dr Cornelia Wiebels (Technical Services Director), Damian O'Shannassy (Planning and Development Director), Mathew Webb (Corporate Services Director)

#### **Summary**

This report item provides a formal record of questions taken on notice at the previous Council meeting and subsequent responses.

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Moved: Clr Hayden

Second: Clr Tucker

That report 14.8 is received as information and the responses noted.

**Carried** - Resolution No: 27 - 18/02/2025

#### **Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

## **15 URGENT BUSINESS**

Moved: Clr Hayden

Second: {seconder}

That Council consider the following matters as they are considered to be of an urgent nature requiring immediate consideration by Council.

- Request for extraordinary meeting to consider remaining business due to time.

The motion lapsed for want of a seconder.

## **16 CLOSED SESSION - CONFIDENTIAL REPORTS**

Moved: Clr Trembath

Second: Clr Hayden

That:

1. Council resolve into Closed Council to consider the business identified, together with any late confidential reports tabled at the meeting.
  2. Pursuant to Section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under the provisions of Section 10A(2) as outlined above.
-



3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the *Local Government Act 1993*.

**Carried** - Resolution No: 28 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

Council moved into Closed Council at this point 10:08 pm. Members of the public present left the meeting.

<b>16.1</b>	<b>Tender - RFT 24/09 Supply of Traffic Control Services</b>
File No:	TS/Tenders
Author:	Thomas Dimec (Project Engineer), Dr Cornelia Wiebels (Technical Services Director), Gary Chapman (Roads Operation Manager)

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

Moved: Clr McCarthy

Second: Clr O'Connor

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts a panel of suppliers for Traffic Control Services 2 x 2 years options maximum allowable contract period of 4 years - Tender Reference RFT 24-09.
2. Mid-West Traffic Management (Orange) Pty Ltd, Workcontrol Operations Pty Ltd and DC Civil Enterprises Pty Ltd be Council's preferred suppliers.
3. The Formal Instrument of Agreement and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the General Manager and delegate the Director of Technical Services as the Principal's Representative.

**Carried** - Resolution No: 29 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

**16.2 Tender - RFT 24/08 Sprayed Bituminous and Aggregate Supply**

File No: TS/Tender

Author: Thomas Dimec (Project Engineer), Gary Chapman (Roads Operation Manager),  
Dr Cornelia Wiebels (Technical Services Director)

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

Moved: Clr O'Connor

Second: Clr Graham

That Council:

1. Endorse the recommendation of the Tender Evaluation Panel and accept a panel of suppliers for Sprayed Bituminous and Aggregate Supply Services 2 x 2 years options maximum allowable contract period of 4 years - Tender Reference RFT 24-08 with Fulton Hogan Industries Pty Ltd, Stabilised Pavements of Australia (SPA) Pty Ltd, Roadworx Pty Ltd, Building and Civil Pty Ltd being Council's preferred suppliers.
2. Authorise the General Manager to execute the Formal Instrument of Agreement and any other associated documents in accordance with cl165 of the Local Government Regulation with the Director of Technical Services as the Principal's Representative.

**Carried** - Resolution No: 30 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor,  
Clr Trembath and Clr Tucker

Votes against: Nil

**16.3 Tender RFT 24/10 Full or Partial Stabilisation Service**

File No: TS/Tender

Author: Thomas Dimec (Project Engineer), Gary Chapman (Roads Operation Manager),  
Dr Cornelia Wiebels (Technical Services Director)

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

Moved: Clr Graham

Second: Clr Tucker

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts a panel of suppliers for Full or Partial Stabilisation Services 2 x 2 years options maximum allowable contract period of 4 years - Tender Reference RFT 24-10.
2. Stabilised Pavements of Australia Pty Ltd, Fulton Hogan Industries Pty Ltd, Roadworx Surfacing

Pty Ltd, Downer EDI Pty Ltd, Stabilcorp Pty Ltd, Denrith Pty Ltd, Peters Earthmoving Pty Ltd, Hibbo Hire Pty Ltd be Council's preferred suppliers.

3. The Formal Instrument of Agreement and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the General Manager and delegate the Director of Technical Services as the Principal's Representative.

**Carried** - Resolution No: 31 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

<b>16.4</b>	<b>Tender - RFT 24/11 Linemarking Services</b>
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File No:	TS/Tender
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Author:	Thomas Dimec (Project Engineer), Dr Cornelia Wiebels (Technical Services Director), Gary Chapman (Roads Operation Manager)
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*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

Moved: Clr McCarthy

Second: Clr Tucker

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts a panel of suppliers for Linemarking Services 2 x 2 years options maximum allowable contract period of 4 years - Tender Reference RFT 24-11.
2. ACT Linemarking Pty Ltd, Avante Linemarking, Oz Linemarking (NSW) Pty Ltd and NSW Building and Civil Pty Ltd are Council's preferred suppliers.
3. The Formal Instrument of Agreement and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the General Manager and delegate the Director of Technical Services as the Principal's Representative.

**Carried** - Resolution No: 32 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Nil

**16.5 Electricity Procurement - Central NSW Joint Organisation Procurement**

File No: CNSWJO Electricity Procurement

Author: Gary Wallace (General Manager)

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.*

Moved: Clr Tucker

Second: Clr Graham

That Council:

1. Note the report on electricity procurement for small market sites;
2. Participates in the regional procurement process, facilitated by Central NSW Joint Organisation, for the supply of electricity for small market sites;
3. Note the extreme volatility of the energy market currently being experienced;
4. Agree to purchase 50% of renewable energy for each site;
5. Note the short timeframe for acceptance of offers for the supply of electricity;
6. Resolve that because of the extenuating circumstances set out in the report a satisfactory result would not be achieved by inviting tenders for the aggregated procurement of electricity for small market sites which are due to commence on 1 January 2025;
7. Note that the reasons for the decision of the Council in resolution 6 are as follows:
  - a. The services with respect to which the tender relates can only be provided by energy retailers.
  - b. Council has received expert advice that due to the nature of the relevant market, offers from those retailers which will be made in response to the request for tender will only be open for acceptance for a period of 1-2 weeks.
  - c. Even if the tender period was shortened to 7 days as permitted under the Regulations, some if not all of the relevant tenders would expire prior to Council being able to undertake an assessment of tenders, report the matter to Council and resolve to accept or reject any tenders.
  - d. This would result in Council either having no valid tenders which it is able to accept, or it would not be able to consider for acceptance all of the tenders lodged in response to the request for tender.
  - e. This would not be a satisfactory result for Council.
8. Delegate the determination, acceptance or rejection of proposals on behalf of Council to the General Manager;
9. Delegation the execution of the contract for the supply of electricity for small sites to the General Manager;
10. Receive a report on conclusion of the process detailing the outcome; and
11. Advise Central NSW Joint Organisation of its decisions.

**Carried** - Resolution No: 33 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Graham, Clr Trembath and Clr Tucker

Votes against: Clr Alevras, Clr Hayden, Clr McCarthy and Clr O'Connor

The vote was tied, the Mayor used his casting vote in favour of the motion.

<b>16.6</b>	<b>Construction of an 11 (Eleven) Lot Industrial Subdivision - Oberon</b>
File No:	TS/Subdivision
Author:	Thomas Dimec (Project Engineer), Dr Cornelia Wiebels (Technical Services Director)

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.*

Moved: Clr Hayden

Second: Clr McCarthy

A project report be presented to the March 2025 Ordinary Meeting detailing the variations within the report, the cost of work to the date of that report and the project total cost of the project.

**Carried** - Resolution No: 34 - 18/02/2025

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr O'Connor, Clr Trembath and Clr Tucker

Votes against: Clr Hayden and Clr McCarthy

*Open Council resumed at 11.07pm. Recording of the meeting re-commenced at this point in time. There were no members of the public present.*

The Mayor advised of the resolutions that were made while the meeting was closed to the public.

## 17 CLOSURE OF MEETING

The Mayor declared the meeting closed at 11:15 pm.

## 9 MAYORAL MINUTE AND REPORT

### 9.1 Mayoral Minute and Report - March 2025

File No: Governance/Mayor/General

Author: Mayor Andrew McKibbin

#### Summary

This report summarises the main activity for the Mayor since the last report.

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#### Recommendation:

That Report Item 09.01 is received as information.

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#### A. Meetings

13 Feb 2025	Burruga and District Community Association Meeting
14 Feb 2025	2BS Radio Interview
18 Feb 2025	Central NSW Joint Organisation Transport Subcommittee Project Briefing Session
18 Feb 2025	Meeting with Helen Lowe
18 Feb 2025	Kylie Shead and Fran Charge, Arts OutWest Update
18 Feb 2025	Ordinary Council Meeting
21 Feb 2025	2BS Radio Interview
21 Feb 2025	Tablelands Tourism Collaboration
21 Feb 2025	Central Tablelands Weeds Authority Meeting
24 Feb 2025	Central West Forestry Hub Meeting (attended by Deputy Mayor Katie Graham)
27 Feb 2025	Country Mayors Association NBN Co Update (via Zoom)
27 Feb 2025	Central NSW Joint Organisation Board Meeting, Oberon
27 Feb 2025	International Women's Day Planning
28 Feb 2025	2BS Radio Interview
3 Mar 2025	Councillor Internal Reserves Workshop
10 Mar 2025	Black Springs Community Association Meeting
11 Mar 2025	Central NSW Joint Organisation Regional Priorities Event, Orange
11 Mar 2025	Councillor Informal Briefing Session

#### B. Representation

22 Feb 2025	Oberon Rodeo
26 Feb 2025	Central NSW Joint Organisation Dinner, Oberon RSL Club
2 Mar 2025	Malachi Women's Week Event - Sonya Lifschitz and Robert Davidson's acclaimed performance "So Much Myself- Piano Portraits" (attended by Deputy Mayor Katie Graham)

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- 8 Mar 2025 Seniors Lunch Burruga  
8 Mar 2025 International Women's Day Mayoral Dinner, Oberon Library and Community Centre

### C. Correspondence

- 12 Feb 2025 Kate Barker, Central NSW Joint Organisation quarterly newsletter providing an update regarding the JO's activities.
- 13 Feb 2025 Invitation to attend the 2025 Oberon Rodeo
- 13 Feb 2025 Various correspondence with Jason Green YLESS4U regarding internet connectivity in Black Springs.
- 13 Feb 2025 Joanna Murphy, The Pines Wind Farm response to Council questions regarding NSW Renewable Energy Planning framework.
- 14 Feb 2025 2025 NSW Volunteer of the Year Awards nomination are open, closing on 23 May 2025
- 14 Feb 2025 Tatiana Coulter, Oberon Business and Tourism Association regarding candidates for the upcoming Federal Election and seeking to coordinate a meet the candidates event, subsequent emails followed advising the event is not proceeding.
- 17 Feb 2025 Invitation to attend Sunnypoint Pastoral Co hosting the AngusTREK 2025 Beef Industry Leaders as they participate in the 2025 World Angus Forum.
- 22 Feb 2025 Correspondence forwarded to Oberon Leagues Club in response to letter regarding future management of Oberon Sports Complex.
- 26 Feb 2025 Invitation forwarded to Paul Toole MP to attend the Oberon International Women's Day Mayoral Dinner being held on Saturday 8 March 2025.
- 26 Feb 2025 Mayor of Bathurst Robert Taylor, invitation to attend the 2025 Bathurst 6 Hour Mayoral Lunch.
- 27 Feb 2025 Citizenship Ceremonies Team inviting Council's to hold Citizenship Ceremonies during Harmony Week 17 – 23 March 2025.
- 27 Feb 2025 Gavin Jeffries, Forestry Corporation of NSW response to Council questions regarding NSW Renewable Energy Planning framework and funding for Economic and Social Impact Analysis of Windfarms.
- 3 Mar 2025 To kick off NSW Women's Week, Paul Toole MP announced the 2025 Bathurst Electorate Local Woman of the Year is awarded to Kathy Sajowitz, letter of congratulations forwarded to Kathy.
- 3 Mar 2025 Various communication with Michelle Swaan, Black Springs Community Association regarding internet connection project proposed by YLESS4U in Black Springs
- 3 Mar 2025 Country Mayors Association invitation to participate in an online meeting with NSW Police Minister the Hon. Yasmin Catley MP and Deputy Police Commissioner Paul Pisanos on 21 March 2025.
- 4 Mar 2025 Australian Local Government Association seeking Council's support for ALGA's 2025 Federal Election Priorities.
- 4 Mar 2025 Correspondence forwarded to Paul Toole MP seeking an opportunity to meet with Minister for Water, the Hon Rose Jackson MP in relation to the Oberon STP Project.
- 5 Mar 2025 Correspondence forwarded to Caron McGregor regarding Sancho's Hole

- 5 Mar 2025 The Hon Courtney Houssos MLC, Minister for Finance, Domestic Manufacturing, Procurement and Natural Resources providing an update regarding the Fines Amendment (Parking Fines) Regulation 2025
- 6 Mar 2025 Paul Toole MP in response to Council's request to arrange a meeting with the Minister for Water.
- 6 Mar 2025 Matt Armstrong, NBN Co seeking an opportunity to present to Council the update on NBN's upgrades.
- 7 Mar 2025 Robert Snoch, Oberon Against Wind Towers providing copies of documents regarding the Paling Yards Wind Farm Development Application.
- 10 Mar 2025 Paul Toole MP on behalf of the Hon Rose Jackson MP, Minister for Water arranging an opportunity to meet in relation to the Oberon STP Project.
- 10 Mar 2025 Joanna Murphy regarding agenda and questions for upcoming Council update regarding The Pines Wind Farm project.
- 10 Mar 2025 Invitation to attend the 2025 St Ignatius Catholic Debutant Ball



## 10 NOTICES OF MOTION

<b>10.1</b>	<b>Rescission Motion - ARIC Member Resignation and Recruitment</b>
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File No:	Governance/Meetings/Ordinary
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Author:	Mayor Andrew McKibbin
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### Motion

We, the undersigned Councillors, hereby move that the following resolution of the Ordinary Council Meeting held on 18 February 2025:

*That Council:*

- 1. Note the resignation of Mr Ron Gillard and formally acknowledge his contributions to the Oberon Audit, Risk and Improvement Committee.*
- 2. Approve the commencement of an open expression of interest process to recruit a new Independent Member to the Committee.*

**be rescinded.**

Signed



Mayor Andrew McKibbin



Deputy Mayor Katie Graham



Cllr Ian Tucker

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### Reason

Council has been contacted by Mr Ron Gillard who advised that he wished to withdraw his resignation as Independent Member on the Oberon Audit Risk and Improvement Committee. Due to the advice received from Mr Gillard it is considered appropriate to rescind the previous resolution and accept Mr Gillard's reinstatement to the Committee for the remainder of the appropriate term.

**10.2 Works Working Party**

File No: Governance/Meetings/Ordinary

Author: Cllr Ian Tucker

**Motion**

1. That meetings of the Works Working Party be held quarterly.
2. That draft terms of reference for a review and update of the Morrison Low Report be prepared and considered by the Works Working Party prior to seeking proposals.
3. That expenditure and progress reports for all capital works projects be provided to each Works Working Party meeting.

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**Comment**

- Meetings of the former Works Committee were held quarterly. In December 2023 the format was changed to a Works Working Party.

No meetings of the Works Working Party have been held since that change was adopted, apart from one Extraordinary Council Meeting in April 2024 which was described as Works and Finance.

- The purpose of the change of format was to allow for more informal discussion, with any recommendations then being reported to the next Ordinary Meeting for debate and resolution. A very large proportion of Council's expenditure relates to works, and it is crucial there be regular discussion about strategy, finance, and progress.
- The Morrison Low Report was prepared in 2020 and is an important document guiding Council in its roads strategy. There have been considerable changes since then, and the report should be reviewed and updated to reflect changed circumstances, and Council and community expectations. A similar motion was submitted to the October 2023 meeting, but the majority view in Council at that time was that the review should wait for another 12 months. The General Manager has previously stated that it is intended to review the Morrison Low Report in 2025, and the Works Working Party should discuss the terms of reference before the review commences.
- Part of the elected Council's responsibility is to satisfy itself that projects are being properly managed, and costs controlled, to bring them to completion within budget. A quarterly report setting out the current expenditure, and whether projects are on target for completion within budget, will help to meet that responsibility. Such a report will also give Council early warning of any cases where there is concern about projects potentially exceeding their budgets. Council can then decide whether to reduce the scope of works, or allocate additional funds.

**General Manager's Note:**

Previously Council resolved as followed:

*Replace the Works Committee with Works Working Party Similar to those working parties currently in use by Council a Works Working Party can be held twice a year. Updates can be provided to those Councillors interested highlighting where major capital programs and other infrastructure programs are at. These would open to any Councillor with an interest in this area. This Working Party could also provide a further opportunity for Councillor General Business to be discussed and*

*tabled through appropriate minutes. Those minutes will be then presented to the next available Council Meeting for endorsement which would also include actions and recommendations.*

A Works Workshop was held on 5 September 2024. Further, as part of the TSD Councillor Induction including a works overview a presentation similar to that of the September Works Working Party was held on 28 October 2024.

Further, at the 7 November 2024 Extraordinary Meeting Councillor McKibbin put forward a motion that the Works Working Party be the whole of Council. Cllr McCarthy moved an amendment to return to holding a full Works Committee Meeting which included the whole of Council, this was put and lost and the original motion "That the works working party be the whole of council" was resolved.

Further, Staff have been providing updates on major construction projects through the Quarterly Budget Review process. This initiative was undertaken as a response to requests from Council to provide additional information in this space.

Finally, should additional Works Working Parties be considered a view to establish a Charter as to how the structure will be undertaken, as to ensure transparency to establish decision making processes will need to be established.

**10.3                    Parking Area at Black Springs Fire Shed**

File No:                Governance/Meetings/Ordinary

Author:                Clr Hayden

**Motion**

That Oberon Council

1. Create a parking area and driveway at the Black Springs Fire shed and truck fill area at the standpipe on Reserve Avenue, Black Springs.
2. Obtain quotes for both concrete and hotmix for the installation of a driveway and parking area at the fire shed and standpipe truck parking area located on Reserve Avenue, Black Springs.
3. Provide a report back to council and include funding source that may be able to be utilised to cover the costs.

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**Rationale**

The current condition of the driveway and parking area at the fire shed and standpipe truck parking area is inadequate and poses safety concerns for both vehicles and pedestrians. The installation of a hotmix or concrete surface will provide a durable and safe solution, improving accessibility and functionality for emergency services and community members. A better surface will also minimise dust for adjoining residents, improve the visual amenity of the area as well as reducing maintenance requirements, such as mowing and weed suppression

**10.4 Land Swap**

File No: Governance/Meetings/Ordinary

Author: Clr Clive McCarthy

**Motion**

That Council consider a land swap supplying the roadway sought after by Borg Panels in lieu of land east of our current sports complex to expand it in the future.

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**Comments**

Suggest 80 metres of land on the east boundary from Albion Street to Herborn Street. This is out of land used by CSR for waste purposes. This would mean more field in same complex.

**General Manager's Note:** Previously Council has been required to undertake significant probity in the development of the Oberon Sports Complex. Given this request sits outside the parameters of the Complex development of separate probity, to ensure transparency would need to be established. Currently, Council is finalising road closure requirements to assist in the sale of unwanted road reserve. Any land swap opportunity would require separate probity undertakings to ensure any potential project meets the requirements of the Local Government Act.

## 11 COUNCILLOR AND DELEGATES REPORTS

### 11.1 Central NSW Joint Organisation Meeting 27 February 2025

File No: Governance/Meetings/Ordinary

Author: Mayor Andrew McKibbin and General Manager Gary Wallace

#### Summary

The Central NSW Joint Organisation Board Meeting was held in Oberon on Thursday 27 February 2025. The Mayor and General Manager attended the meeting on behalf of Council.

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#### Recommendation:

That Council receive and note the Central NSW Joint Organisation Board Meeting delegates report held in Oberon on 27 February 2025.

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#### List of Attachments

1. Draft Central NSW Statement of Revenue and Budget 2025 2026 [11.1.1 - 5 pages]

#### Comment

This report highlights the meeting of the Central NSW Joint Organisation Board held in Oberon on 27 February 2025. The minutes from the meeting are attached, as is the Draft Statement of Budget and Revenue.

Delegates were welcomed to Oberon by its Mayor, Cr Andrew McKibbin.

Speakers to the meeting were Local Government NSW President, Cr Phyllis Miller, and Chief Executive Mr David Reynolds. The Board then had a strategic session around the priorities into the federal election and for this term of Council. Updates were provided from the NSW Office of Local Government, Regional Development Australia Central West and the NSW Premier's Department.



## Forward budget

The Board adopted a draft Statement of Budget and Revenue and has put it on public exhibition. It can be found on the [CNSWJO website](https://www.cnswjo.nsw.gov.au/). While the website calls for feedback in 30 days, giving consideration to member Council meeting timeframes, please provide feedback by 30 April 2025 so this can be considered by the Board.

Considerations for the 2025/2026 budget include:

- taking up the rate peg increase of 3.8% for fees where this figure is the lowest rate increase in this region (Blayney);
- noting the decision by the Board to realise \$150K from internally restricted reserves to support the cyber security project;
- noting the Statement of Strategic Regional Priority (SSRP) will be finalised in November of this calendar year and changes to priorities will be funded in the budget;
- based on the pilot with Forbes Shire Council, growth in the service offering for the procurement function to include a “fee-for-service” procurement management service at a reasonable cost to members showing a conservative income stream of \$20K;
- inclusion of \$12,500 to support matching funding for energy projects;
- inclusion of grant funded projects for:
  - Disaster Readiness;
  - Joint Organisation Net Zero Acceleration Program; and
  - Water Loss Management.

## Advocacy Plans

Every February the Board reviews its Advocacy Plans. These plans are used to inform submission, media, correspondence, ministerial briefings and other collateral.

Developed with the direction of the Portfolio Mayors, the following were adopted by the Board:

- [The Transport Advocacy Plan](#)
- [The Health and Ageing Advocacy Plan](#)
- [The Water Advocacy Plan](#)
- [The Regional Prosperity Advocacy Plan](#)
- [The Energy Advocacy Plan](#)

## Other key outputs adopted by the Board



Picture 1 Example of advocacy collateral developed in 2022

Output	Description
<a href="#">Statement of Strategic Regional Priority Risk Management Plan</a>	Undertaken internally, risks to the JO, region and Council are identified. All JO activities must give consideration to these risks and advice is provided to the Board in their quarterly meeting.
<a href="#">CNSWJO Social and Environmental Scan</a>	Using an external provider, this report provides a snapshot of the region's data, opportunities and challenges. This advice informs forward strategy.
<a href="#">High level Destination Marketing Plan</a>	Commissioned by the previous Board and undertaken externally this work informs the destination marketing being undertaken through the CNSWJO.
<a href="#">Leading Practice in Regional Development</a>	At the request of the previous Board this work has been undertaken collaboratively between Central West Regional Development Australia (CWRDA) and the JO. RDA will take the lead in its implementation.
<a href="#">Draft MoU with SkillSet</a>	CNSWJO has a growing number of MoUs and other instruments to facilitate collaboration. The most recent is with Skillset. Importantly, these MoUs identify initiatives to be undertaken collaboratively in the interest of Councils and communities in the CNSWJO region.
<a href="#">CNSWJO Regional Electric Vehicle Strategy - final</a>	A support document for Councils and the JO in transitioning fleet to meet net zero carbon emissions targets.
<a href="#">EV Drive Day Event Report</a>	A wrap-up report from the Electric Vehicle (EV) Drive Day held in Bathurst in December 2024.
<a href="#">New Councillor Event Final Report</a>	<p>The Welcome Councillor event was held 28 November 2024. A report from the meeting made the following recommendations which will now be progressed as they have been adopted by the Board.</p> <ol style="list-style-type: none"> <li>1. provide advice back to peak agencies included in this report;</li> <li>2. develop a CNSWJO induction report for incoming Councillors with advice drawn from the event;</li> <li>3. receive advice on resourcing of:             <ol style="list-style-type: none"> <li>a. an informal network of Councillors; and</li> <li>b. specific support for Deputy Mayors; and</li> </ol> </li> <li>4. include advice from this report in its deliberations on forward programming for the Statement of Strategic Regional Priority and advocacy.</li> </ol>

### Advocacy Priorities leading into the federal election

The Board identified the following as priorities leading into the federal election.

1. Increase Financial Assistance Grants to at least 1% of Commonwealth tax revenue and add a one-time \$3 billion payment to address past underfunding.
2. Recognise Local Government in the Constitution.
3. Recognise Central NSW's strengths in agriculture, mining, renewable energy, and proximity to cities and ports with the "Made in Central NSW" initiative.
4. Provide support and compensation for regional communities during the energy and mining transition.
5. Empower regional communities to become more energy independent and resilient.
6. Ensure energy security for regional communities during the transition to renewable energy.
7. Improve road funding with a focus on betterment and resilience.
8. Develop a safe, reliable, and efficient transport network linking Central NSW to Sydney and beyond for both passengers and freight.



9. Create a strong multi-modal freight network.
  10. Address health workforce shortages, exacerbated by housing shortages, with better collaboration between state and federal services.
  11. Despite the various interventions and inquiries over decades, local government is still battling health and aged care workforce shortages, the more remote the greater the challenge.
  12. Improve health services, as 94% of our communities prioritises this.
  13. Leverage the region's water security work to develop a regional water supply pipeline grid in partnership with the NSW and Federal Governments.
  14. Include Water Supply and Sewer Assets in State and Commonwealth Disaster Recovery Funding.
  15. Ensure the Murray Darling Basin Plan considers the social and economic impacts on communities while meeting environmental targets, especially during droughts and natural disasters.
  16. Review the Aboriginal and Torres Strait Islander Heritage Protection Act Section 10 process.
- At the time of writing an event is being coordinated for 11 March which will include a session on federal priorities and meeting with candidates leading into the election. All Councillors in the region have been invited and the event is free to attend.

Further advocacy will be at the direction of the Mayors of the region under the leadership of the Chair, Cr Kevin Beatty, Mayor of Cabonne.

### Priorities for the Joint Organisation for this term of Council

Similar to the Community Strategic Plan for Council, Joint Organisations must develop a Statement of Strategic Regional Priority. Under the auspices of the Mayors of the region, workshops have been held with new Councillors (28 November 2024), Executive Leadership Teams (31 October 2024) and the Board provided high level advice on priorities at the meeting in Oberon as follows. Staff will now pull together a program of work in support of this direction. Again, all feedback is welcomed.

80% of the JOs resources go to delivering operational support to Councils in helping with the financial sustainability challenge.

#### Priority One: Leveraging our reputation and strength in collaboration

- 1.1 Drive efficiencies and effectiveness saving Councils money
- 1.2 Build capacity and networks across our Councils and the Joint Organisation network
- 1.3 Work well with other peak agencies
- 1.4 Engage with State and Federal Governments to get better advocacy outcomes for the region.



Picture 2 Feedback from a stakeholder session on Council operational challenges for members

#### Priority Two: Regional prosperity through better connected infrastructure and services

- 2.1 Initiatives for sustainable growth population in the context of locational preference factors
- 2.2 Optimise land use and regional development planning and implementation
- 2.3 Advocacy and initiatives on skills and housing shortages
- 2.4 Infrastructure prioritisation through the CNSWJO Matrix

2.5 Leveraging the region's endowments and opportunities

- a. Activation precincts including Parkes SAP
- b. Pattern of settlement; livability, proximity to capital cities and ports – this region is a solution for growth outside Sydney
- c. Agriculture focusing on value-add
- d. Renewable energy generation
- e. Mining
- f. Visitor economy

2.6 Biosecurity

**Priority Three: Better infrastructure and services in health and ageing**

3.1 addressing the need for more palliative care in region

3.2 addressing the mental health challenge

3.3 identifying pathways through the challenging health frameworks to deliver better outcomes for regional communities

**Priority Four: Telecommunications**

**Priority Five: Regional Transport Improvements**

5.1 Multi-modal transport connectivity planning and implementation including road, rail and air passenger and freight

5.2 Optimal road funding framework including for natural disasters

5.3 High quality, efficient and safer road and rail networks

**Priority Six: Regional Water Security and Productive Water**

6.1 Regional water network planning and implementation including best practice skills development

6.2 Productive water

6.3 Leveraging the region's leadership in water utilities

6.4 Human critical need particularly urban water

**Priority Seven: Climate change adaptation and mitigation**

7.1 Transition to a sustainable, secure, just and affordable energy future

a. Energy efficiency and emissions reduction

b. Distributed energy resources

c. Circular economy and waste

d. Environment and biodiversity

7.2 Adapting to a warming climate

a. Disaster risk reduction, response and recovery

b. Betterment and prioritisation of resilient infrastructure

c. Leading practice in region and across NSW



## AWARDS

Central NSW Joint Organisation proudly took home awards in 4 categories for Division D (for JO, ROCs and collaborations). These included:

- Water Management for the Regional Water Loss Management Hub Project
- Towards Net Zero Emissions for the 52 Shades of Green: CNSWJO Net Zero Accelerator Program
- Climate Change Adaptation for the Regional Resilience Program for Disaster Risk Reduction, and
- Innovation in Planning, Policies and Decision Making for Transitioning Local Water Utility Strategy Planning into the IP&R Framework.



Image: Meredith Macpherson and Brendan Gulney from NSW Water Directorate



Image: Kate Barker and Gillian Hinchcliff from NSW DCCREW

**CNSWJO was also the overall winner in the Water Management and the Towards Net Zero Emissions categories.**



### The UN Youth Summit

In line with direction from the Opt-in Advocacy Mayors, councils were asked to sponsor local school students to attend a United Nations (UN) Youth Summit in Bathurst on 26 March 2025. This sponsorship has different forms in different LGAs and council staff have been working closely with the Executive Officer in this regard. Promotion of this event was also recommended through a media release. A proforma report and media release were provided to members and are available on request.

UN Youth Australia is a youth-led organisation that brings young people, community and global leaders together to equip the next generation of young leaders with the skills and inspiration to create meaningful change. All activities are designed to prepare students to be informed, responsible, and engaged participants in their local and global communities.

They run a broad range of peer-to-peer interactive education programs that give young people a deep understanding of the social and political issues the world faces today. From Model United Nations debates, Workshops, and our Interactive Problem-Solving simulations, the programs foster ideas and innovation to support young people in solving global problems. For more information please go to About Us – UN Youth Australia

Charles Sturt University is hosting the Regional Youth Summit on Wednesday 26 March 2025 in Bathurst and the CNSWJO has committed up to \$5K to support catering and other costs.

## Charles Sturt University Scholarship Program

Charles Sturt University has provided the 2024 report to CNSWJO on the progress and success of the medical scholarship program. The CNSWJO committed \$75,000 in the form of three \$25,000 scholarships paid to the students in instalments over the course of their study.

Feedback from the students has been very positive. This funding concludes at the end of this financial year and the Board will receive a report on the program's value in due course for consideration for inclusion in the SSRP.

"Coming into medicine, I was working full-time, and I've got two kids at home, so the financial responsibilities have been a lot. With this scholarship, I don't have to think about finances, and I don't have to work as much. I can split my time between my kids and my study. I am just so grateful."  
– Ms Sarudzai (Saru) Mukonowatsauka

"Like many students, I have two part-time jobs and this scholarship means I can get rid of one of those and focus on doing well in my degree. I also have my own shorthorn cattle stud and it's taken me so long to build up a sizeable herd. This scholarship means I can hold onto my best females and I don't have to get rid of them because I am strapped for cash." – Miranda Eyb

"Having a scholarship gives you that boost of confidence, motivation and accountability to keep achieving within the course." – Heidi Annand

## Submissions

The following submissions have been lodged over the past quarter. All have been at the request of members and/or as part of supporting the advocacy policy of the Board. All previous submissions can be viewed on the CNSWJO website at [Submissions](#)

1. [Central West Orana Strategic Regional Integrated Transport Plan – February 2025](#)
2. [Submission to the National Electricity Market \(NEM\) Review – Initial Consultation – February 2025](#)
3. [Submission to the Inquiry into the Impact of Renewable Energy Zones on Rural and Regional Communities in NSW – January 2025](#)
4. [Submission to the Discussion Paper on Review of Alternative Funding Models for Local Water Utilities – December 2024](#)
5. [Submission to the Independent Pricing and Regulatory Tribunal review of prices for the Water Administration Ministerial Corporation and WaterNSW – December 2024](#)
6. [Submission to the Inquiry into PFAS contamination in waterways and drinking water supplies – November 2024](#)
7. [Submission on the Councillor Conduct Framework Review – November 2024](#)

## NSW Regional Consultation Guidelines

In September 2024 the [Regional Communities \(Consultation Standards\) Bill 2024](#) was passed. The object of this Bill is to provide that the consultation of regional communities by government bodies and agencies must be carried out in a proper and effective manner. The Bill calls for Guidelines to be developed. The Guidelines are based on advice from the International Association for Public Participation (IAP2) and have been informed by a Premier's Dept listening tour.

The draft Guide was provided for comment on 12 February with feedback sought until Monday 17 March via this web link: [Consultation with Regional Communities Guide](#).

CNSWJO will provide a response within existing policy calling for a fit-for-purpose approach and an accountability framework.

## Value to Council

80% of CNSWJO resources are dedicated to providing its operational support program. For the 2023/2024 year this program delivered a return on investments of 9.3:1 for every dollar Council

spends on its membership fees. This value is made up of grant income, monies saved through the CNSWJO procurement program and public relations value from its tourism marketing.


Noteworthy from this meeting is that the Board has created an Enduring Council Financial Sustainability Subcommittee to give consideration to forward programming of the JO build on the work currently undertaken.

The work the region does in writing submissions, media, supporting projects and project teams, developing collateral and providing opportunities for members in various forums to represent their views is not included in the above figure of 8.3:1 ROI. However, this value is reported quarterly to the Board. Please go to the CNSWJO website to review past Board agendas or to review last year's Annual Statement.


This value is delivered primarily by the various operational teams across the region including the CNSWJO:

- General Managers' Advisory Committee
- Water Utilities' Alliance
- Transport Technical Committee
- Tourism Managers Group
- Planners' Group
- Human Resources Managers Group
- WHS/Risk Management Group
- Training, Learning and Development Group
- Net Zero Group
- Regional IT Group
- Building Surveyors Skills Shortages Working Group
- Disaster Risk Reduction Steering Committee
- Fleet Managers Group (new!)
- Integrated Planning and Reporting Group (new!)


Please find following some highlights from the various operational support programs taken from a recent newsletter. For the full newsletter please go to CNSWJO Quarterly Newsletter - Edition 2 - February 2025




The new Regional Chief Information Security Officer (CISO), Mr Jordan Weldenley commenced with the CNSWJO on 10 February. Jordan will work with member councils on their strategic approach to cyber|security.



The NSW Reconstruction Authority is leading the development of the regional Disaster Adaptation Plans (DAPs) for Central NSW, with CNSWJO supporting council consultations through DRF R2 funding




Modern Slavery is a focus for the JO's procurement team who is working with member councils to provide resources and support for annual reporting requirements and to ensure the products and services procured by councils are not the product of modern slavery.




CNSWJO has trialled a new fee-for-service procurement offering. A report will be provided to the Board at their February meeting seeking approval for the expansion of CNSWJO's procurement service to support member councils.


A Regional Procurement Working Group has also been established.



CNSWJO has recently taken on a student from the University of Sydney's Major Industry Project Placement Scheme (MIPPS) project. Austin Caie will ground-truth the DCEEW Water Conservation Cost-Benefit Guidelines CBA model in the inland regional NSW context with the aim to come up with a more robust analysis of the value of a megalitre of town water




Councils currently have access to a tool called Planwisely which provides access to a wealth of spatial data from TINSW and other state government agencies. Please reach out to Jen Webber for more info.




Did you know that the electricity that keeps the lights and aircon on in councils is procured collectively by CNSWJO across all member councils?

A new procurement process is underway for small market sites.




CNSWJO is closely monitoring the status of the PFAS situation and how it affects councils.

A submission was lodged to the *Inquiry into per and polyfluoroalkyl substances (PFAS) contamination in waterways and drinking water supplies*




The EV Drive Day held in Bathurst on 4-5 December was a huge success. Click on the following link to read the [Event Report](#).



Tourism highlight!

*'The Golden Touch, a bank conversion in regional NSW deserves credit where its due'* is a 1-page review of Sona Molong featured in *Travel & Luxury*, The Weekend Australian. The article also touched on other things to see, do and taste locally while on a stay at this new accommodation.

The Weekend Australian is a national newspaper insert with a reach of 677,000.




A New Councillor Welcome Event was hosted by CNSWJO in Orange in November 2024.

The purpose of the day was to welcome Councillors recently elected to the region by:


- providing demographic advice on the vital statistics of the region;
- introducing key regional peak agencies and their role especially in relation to councils;
- providing advice on the Joint Organisation; and
- seeking advice back from Councillors on what the Joint Organisation and peak agencies can do for them.

The event was attended by around 30 Councillors from across the region.

**Return on Investment**



9.4:1



9.3:1

**Attachments**

1. Draft Minutes of the CNSWJO Board meeting 27 February 2025
2. [Draft Statement of Budget and Revenue 2025/2026](#)

**Attachment 1: Minutes of the Board meeting 27 February 2025 held in Oberon**

**Board members In Attendance\***

<b>Cr R Taylor</b>	Bathurst Regional Council	<b>Cr S Ring</b>	Lithgow City Council
<b>Cr B Reynolds</b>	Blayney Shire Council	<b>Cr A McKibbin</b>	Oberon Council
<b>Cr K Beatty</b>	Cabonne Council	<b>Cr T Mileto</b>	Orange City Council
<b>Cr P Smith</b>	Cowra Council	<b>Cr N Westcott</b>	Parkes Shire Council
<b>Cr P Miller, OAM</b>	Forbes Shire Council	<b>Cr P Best</b>	Weddin Shire Council
<b>Cr J Medcalf, OAM</b>	Lachlan Shire Council		

**Associate Member delegates and others attending**

Ms D Sherley	Bathurst Regional Council	Mr J Gordon	RDACW
Mr M Dicker	Blayney Shire Council	Ms K Annis-Brown	OLG
Mr M Christensen	Cabonne Council	Ms G Collins	Premier's Dept
Mr P Devery	Cowra Shire Council	Ms J Bennett	CNSWJO
Mr R Jane	Forbes Shire Council	Ms M Macpherson	CNSWJO
Mr G Tory	Lachlan Shire Council	Ms K Barker	CNSWJO
Mr R Gurney	Lithgow City Council	Ms C Griffin	CNSWJO
Mr G Wallace	Oberon Council	Ms J Webber	CNSWJO
Mr D Waddell	Orange City Council	Mr D Reynolds	LGNSW
Cr B Fry	CTWA		

\*Voting members in **bold**

Meeting opened at 10.00 am, Chaired by Cr K Beatty

**12. Acknowledgement of Country**

**13. Apologies**

Cr C Coleman, Cr R Fagan, Mr S Loane OAM, Mr B Byrnes, Cr A Rawson, Mr C Harris, Mr K Boyd, Ms N Vu

<b>Resolved</b>	<b>Cr P Miller / Cr J Medcalf</b>
That the apologies for the Central NSW Joint Organisation Board meeting 27 February 2025 listed above be accepted.	

**14. Conflicts of Interest**

<b>Resolved</b>	<b>Cr R Taylor / Cr A McKibbin</b>
Cr B Fry re CSU	

**15. Speakers**

LGNSW President Phyllis Miller and Chief Executive David Reynolds  
Workshop on the Statement of Strategic Regional Priorities and Federal Election Priorities

**16. Minutes**

**6.a Noting of the Minutes of the CNSWJO GMAC Meeting held on 6 February 2025 in Bathurst**

<b>Resolved</b>	<b>Cr B Reynolds / Cr T Mileto</b>
That the Minutes of the CNSWJO GMAC Meeting held 6 February 2025 in Bathurst were noted.	

**6.b Confirmation the Minutes of the CNSWJO Board Meeting held on 13 November 2024 in Sydney**

<b>Resolved</b>	<b>Cr P Smith / Cr N Westcott</b>
That the Minutes of the CNSWJO Board Meeting held 13 November 2024 in Sydney were accepted.	

**8. Business Arising from the Minutes - Matters in Progress**

<b>Resolved</b>	<b>Cr J Medcalf / Cr P Miller</b>
That the Central NSW Joint Organisation Board note the Matters in Progress, making deletions as suggested.	

**9a Financial Report**

<b>Resolved</b>	<b>Cr P Miller / Cr P Smith</b>
That the Board note the Financial Report.	

**9b Budget considerations 2025/2026: The Draft 2025/2026 CNSWJO Statement of Budget and Revenue**

<b>Resolved</b>	<b>Cr P Miller / Cr R Taylor</b>
<p>The Board note the Statement of Budget and Revenue Report and;</p> <ol style="list-style-type: none"> <li>1. adopt the draft Statement of Budget and Revenue and will place it on exhibition for 30 days;</li> <li>2. note that the budget for 2025/2026 includes a fee rise of 3.8% and a surplus for the year of \$923; and</li> <li>3. will provide advice in the Mayoral Board report regarding the Statement of Budget and Revenue seeking member feedback.</li> </ol>	

**9c Advocacy Report**

<b>Resolved</b>	<b>Cr J Medcalf / Cr B Reynolds</b>
<p>The Board note the Advocacy Report and</p> <ol style="list-style-type: none"> <li>1. note the progress of the Portfolio Mayors and the Opt in Advocacy Subcommittee;</li> <li>2. will join the Country Mayors Association at \$1,237.50;</li> <li>3. adopt the Advocacy Plans for Regional Development, Water, Transport, Energy and Health;</li> <li>4. note a grant application by Skillset to progress the findings of the Spare Capacity in Housing Project and a reserve of \$20,000 for a potential co-contribution has been progressed between meetings under the hand of the Chair;</li> <li>5. renew the Terms of Reference for the Charles Sturt University Policy Lab under the hand of the Chair;</li> <li>6. approve and signed the Memorandum of Understanding with Skillset;</li> <li>7. endorse the following submissions that have been lodged: <ol style="list-style-type: none"> <li>a. Submission to the National Electricity Market (NEM) Review – Initial Consultation – February 2025;</li> <li>b. Submission to the Inquiry into the Impact of Renewable Energy Zones on Rural and Regional Communities in NSW – January 2025;</li> <li>c. Submission to the Discussion Paper on Review of Alternative Funding Models for Local Water Utilities – December 2024;</li> <li>d. Submission to the Independent Pricing and Regulatory Tribunal review of prices for the Water Administration Ministerial Corporation and WaterNSW – December 2024;</li> <li>e. Submission to the Inquiry into PFAS contamination in waterways and drinking water supplies – November 2024;</li> </ol> </li> <li>8. note that policy on submission writing is under development with a view to reducing resourcing;</li> <li>9. that the advocacy priorities leading into the Federal election be:</li> </ol>	



- a. Increase Financial Assistance Grants to at least 1% of Commonwealth tax revenue and add a one-time \$3 billion payment to address past underfunding.
  - b. Recognise Local Government in the Constitution.
  - c. Recognise Central NSW's strengths in agriculture, mining, renewable energy, and proximity to cities and ports with the "Made in Central NSW" initiative.
  - d. Provide support and compensation for regional communities during the energy and mining transition.
  - e. Empower regional communities to become more energy independent and resilient.
  - f. Ensure energy security for regional communities during the transition to renewable energy.
  - g. Improve road funding with a focus on betterment and resilience.
  - h. Develop a safe, reliable, and efficient transport network linking Central NSW to Sydney and beyond for both passengers and freight.
  - i. Create a strong multi-modal freight network.
  - j. Address health workforce shortages, exacerbated by housing shortages, with better collaboration between state and federal services.
  - k. Despite the various interventions and inquiries over decades, local government is still battling health and aged care workforce shortages, the more remote the greater the challenge;
  - l. Improve health services, as 94% of our communities prioritises this.
  - m. Leverage the region's water security work to develop a regional water supply pipeline grid in partnership with the NSW and Federal Governments.
  - n. Include Water Supply and Sewer Assets in State and Commonwealth Disaster Recovery Funding.
  - o. Ensure the Murray Darling Basin Plan considers the social and economic impacts on communities while meeting environmental targets, especially during droughts and natural disasters;
  - p. Review the Aboriginal and Torres Strait Islander Heritage Protection Act Section 10 process; and
10. that Cr R Taylor be the replacement for the Charles Sturt University Policy Lab Steering Committee.

**9d Statement of Strategic Priority Review Progress Report**

Resolved	Cr A McKibbin / Cr T Mileto
The Board note the Statement of Strategic Regional Priority (SSRP) Review Progress Report and;	
1. adopt the Terms of Reference for the Enduring Council Financial Sustainability Sub-Committee;	
2. adopt the SSRP Risk Management Plan; and	
3. adopt the Social and Environmental Scan for the SSRP.	

Advice from Prioritisation Workshop:

**Priority One: Leveraging our reputation and strength in collaboration**

- 1.1 Drive efficiencies and effectiveness saving Councils money
- 1.2 Build capacity and networks across our Councils and the Joint Organisation network
- 1.3 Work well with other peak agencies
- 1.4 Engage with State and Federal Governments to get better advocacy outcomes for the region.

**Priority Two: Regional prosperity through better connected infrastructure and services**

- 2.1 Initiatives for sustainable growth population-in the context of locational preference factors
- 2.2 Optimise land use and regional development planning and implementation
- 2.3 Advocacy and initiatives on skills and housing shortages

2.4 Infrastructure prioritisation through the CNSWJO Matrix

2.5 Leveraging the region's endowments and opportunities

- a. Activation precincts including Parkes SAP
- b. Pattern of settlement; livability, proximity to capital cities and ports – this region is a solution for growth outside Sydney
- c. Agriculture focusing on value-add
- d. Renewable energy generation
- e. Mining
- f. Visitor economy

2.6 Biosecurity

**Priority Three: Better infrastructure and services in health and ageing with including**

3.1 addressing the need for more palliative care in region

3.2 addressing the mental health challenge

3.3 identifying pathways through the challenging health frameworks to deliver better outcomes for regional communities

**Priority Four: Telecommunications**

**Priority Five: Regional Transport Improvements**

5.1 Multi-modal transport connectivity planning and implementation including road, rail and air passenger and freight

5.2 Optimal road funding framework including for natural disasters

5.3 High quality, efficient and safer road and rail networks

**Priority Six: Regional Water Security and Productive Water**

6.1 Regional water network planning and implementation including best practice skills development

6.2 Productive water

6.3 Leveraging the region's leadership in water utilities

6.4 Human critical need particularly urban water

**Priority Seven: Climate change adaptation and mitigation**

7.1 Transition to a sustainable, secure, just and affordable energy future

- a. Energy efficiency and emissions reduction
- b. Distributed energy resources
- c. Circular economy and waste
- d. Environment and biodiversity

7.2 Adapting to a warming climate

- a. Disaster risk reduction, response and recovery
- b. Betterment and prioritisation of resilient infrastructure
- c. Leading practice in region and across NSW

**9e Procurement Report**

<b>Resolved</b>	<b>Cr P Miller / Cr A McKibbin</b>
The Board note the Procurement Report and;	
1. approve the expansion of the CNSWJO regional procurement service offering, which will provide member councils with a fee for service model to utilise if and when required; and	
2. approve the updates to the procurement plan.	

**9f Regional Resilience Program**

<b>Resolved</b>	<b>Cr B Reynolds / Cr P Best</b>
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The Board note the Regional Resilience Program report and;

1. acknowledge the success of the disaster risk reduction program, recognised at the LGNSW Excellence in the Environment Awards in the climate change adaptation category;
2. note that the NSW Reconstruction Authority is leading the development of the regional Disaster Adaptation Plan, which verbal advice anticipates five years to complete;
3. acknowledge that funding negotiations for the Disaster Ready Fund Round 2 Integrated Preparedness project are ongoing and over a longer period than anticipated; and
4. note the proposed interim local Disaster Adaptation Plan solution; and
5. approve the application for Disaster Ready Fund Round 3 funding acknowledging that the Disaster Adaptation Plan solution mentioned above at No. 4 will be included in the submission.

### 9g Regional Transport Report

**Resolved**

**Cr J Medcalf / Cr P Smith**

The Board note the Transport Report and;

1. adopt the Integrity Testing Regional Report for the Fixing Country Bridges project noting that the Transport Technical Committee will take carriage of this moving forward;
2. note the inclusion of a regional freight strategy, mapping tool, and Matrix projects through the Disaster Ready Fund Round 3 grant application;
3. note that a submission to the Central West and Orana Strategic Regional Integrated Transport Plan will be lodged in line with advice provided in the Advocacy Plan; and
4. commend to members that they, and their communities, provide feedback into the Strategic Regional Integrated Transport Plan.

### 9h Regional Water Report

**Resolved**

**Cr R Taylor / Cr P Smith**

The Board note the Regional Water Report and;

1. acknowledge the recognition received at the LGNSW Excellence in the Environment Awards for both the Integrated Planning and Reporting Framework and the Water Loss Management Hub;
2. note the successful application for funding of \$500k from the Department of Climate Change Energy the Environment Water for a Central NSW Joint Organisation-led cross-JO approach to Water Loss Management;
3. note work through the University of Sydney Major Industry Project Placement Scheme to ground truth the State Government's water conservation cost-benefit guidelines for inland regional NSW;
4. note the Central NSW Joint Organisation representation on the Western NSW Local Water Utility Reform Council Reference Group;
5. invite Ms Kristanne Andersen, Director, Regional Water Strategies to speak to the Board on the Governance and Implementation of the Regional Water Strategies;
6. correspondence be sent to the NSW Minister for Water, expressing concerns about the lack of tangible solutions in the Lachlan Regional Water Strategy; and
7. continue to advocate to the Department of Climate Change Energy the Environment Water for:
  - a. independent review or oversight of the Town Water Risk Reduction Program phase 2 and the Regulatory and Assurance Framework; and
  - b. support for the formation of Stakeholder Advisory Panels to co-design with the Local Water Utility sector any solutions based on the NSW Productivity Commission's recommendations.

### 9i Regional Energy Program Report

**Resolved**

**Cr P Miller / Cr A McKibbin**

The Board note the Regional Energy Program Report and

1. note the recognition of the CNSWJO net zero program received at the LGNSW Excellence in the Environment Awards by being the winner of Division D and the Overall Winner for the Towards Net Zero category;

- |  |
|--|
| <ol style="list-style-type: none"> <li>2. endorse the JONZA Round 2 mid-term report;</li> <li>3. endorse the final Regional Fleet Transition Strategy, noting the targets have been reduced in line with council feedback; and</li> <li>4. endorse the EV Drive Day Event Report.</li> </ol> |
|--|

**9j Quarterly Review of the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2022-2025**

<b>Resolved</b>	<b>Cr B Reynolds / Cr R Taylor</b>
<p>The Board note the Quarterly Review of the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2022-2025 and;</p> <ol style="list-style-type: none"> <li>1. adopt the report from the Welcome Councillors Event November 2024 including the following recommendations:             <ol style="list-style-type: none"> <li>a. provide advice back to peak agencies included in this report;</li> <li>b. develop a CNSWJO induction report for incoming Councillors with advice drawn from the event;</li> <li>c. receive advice on resourcing of:                 <ol style="list-style-type: none"> <li>i. an informal network of Councillors; and</li> <li>ii. specific support for Deputy Mayors; and</li> </ol> </li> <li>d. include advice from this report in its deliberations on forward programming for the Statement of Strategic Regional Priority and advocacy;</li> </ol> </li> <li>2. adopt the Leading Practice in Regional Development Report co-authored by Regional Development Australia Central West (RDACW) and CNSWJO and seek support from RDACW in coordinating the structural arrangements needed to progress this initiative;</li> <li>3. adopt the Terms of Reference for the Destination Marketing Subcommittee;</li> <li>4. note the Board the High-Level Destination Marketing Plan for the region and seek advice from the Portfolio Mayors for Regional Prosperity on its recommendations;</li> <li>5. note that a review of the medical scholarships through Charles Sturt University will inform the Statement of Strategic Regional Priority; and</li> <li>6. update the CNSWJO Quarterly Risks Reporting in line with the Risk Management Plan adopted at this meeting.</li> </ol>	

**9k RDA Central West Report**

<b>Resolved</b>	<b>Cr J Medcalf / Cr R Taylor</b>
<p>The Board note the Report provided by Regional Development Australia Central West.</p>	

**10. Updates from**

**Regional Development Australia Central West – Mr J Gordon**

- Circular Economy conference in Sept 2025

**The Premier’s Department – Ms G Collins**

- Emphasis on youth crime, housing, renewable energy transition.
- RLE planning – continue inter-Govt collaboration.
- SSRP workshop to align priorities with state agencies – April TBC
- Consultation Bill – acknowledge member council participation in the consultation. 42 stakeholders attended. Additional comments through YourSay link or direct to Ms Collins.

**The Office of Local Government – Ms Katrina Annis-Brown**

- Apprentices and trainees “Fresh Start” program – resources on OLG Council portal.

- Responsible pet ownership – resources available in portal. Feedback on discussion paper by 4 May.
- Roads Act review by TfNSW. Issues paper released. Survey open until 28 March. TfNSW website.
- Open Streets Program. TfNSW launched next round of funding in early Feb. 3 years' funding available. Up to \$350k funding. Applications close 14 March.
- Women's in LG scholarship – leadership program. Registrations of interest close 28 March.
- Social cohesion grant. \$50-150k grants. Applications close 28 March. Cr Fry asked if there was an opportunity to look at Social Media.

**11. Late Reports**

Nil.

**12. Matters raised by Members**

Blayney – high court appeal likely re ATSIHP Section 10 re Dungeon Road.

Oberon – CSU Engineering Cadets regional approach.

**13. Speakers to the next meeting**

Ms Kate Lorimer-Ward from Local Land Services

Mr Ash Albury from Energy Co

Ms Kristanne Andersen from Regional Water Strategies

Professor Joseph Drew, University of Newcastle – to invite to a meeting later in the year.

**14. Dates for the next meeting**

29 May in Orange

13 and 14 August in Canberra

**Meeting closed at 12.58pm.**

Page 7 is the last page of the Central NSW Joint Organisation Board meeting minutes of meeting of 27 February 2025 held in Oberon.



**CENTRAL NSW  
JOINT ORGANISATION**

**Central NSW  
Joint Organisation**

**Budget and Statement of Revenue Policy  
2025-2026**

Draft for Public Comment

## Contents

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## Budget and Statement of Revenue Policy 2025-2026

The Central NSW Joint Organisation's revenue and accounting policies are kept in accordance with the Australian Accounting Standards Board. CNSWJO abides by the:

- *Local Government Act (1993)*
- *Local Government (General Regulation 2005)*
- *Local Government Code of Accounting Practice & Financial Reporting*

### 1. Financial Contributions by Member Councils

Financial contributions by member councils fall into two categories. Firstly, membership fees are levied from all member councils in order to perform the principal functions of delivering on strategic regional priorities, regional leadership and intergovernmental cooperation. The second category is for contributions from participating councils for a program of other functions enhancing strategic capacity and direct service delivery. Strategic work by the Joint Organisation will determine the nature of this program. [Strategic Planning - Central Joint Organisation \(nsw.gov.au\)](https://www.nsw.gov.au/strategic-planning)

As outlined in its Charter, the Central NSW Joint Organisation (CNSWJO) member councils must contribute financially based on the following methodology:

- a. The annual financial contribution required to be made by each member council is to consist of:
  - i. base fee of the same amount for each Member Council; and
  - ii. a capitation fee [based on the population number drawn from ABS census figures].
- b. The annual financial contribution required to be made by each associate member is to be based on a methodology adopted by the Board.
- c. The amount of the base fee, capitation fee and financial contribution by associate members for a financial year is to be determined prior to the start of that year by Resolution of the Board.

For 2025-2026, contributions from member councils of the Joint Organisation of \$1,000,345 has been determined with the following breakdown:

- Membership & Administration: \$384,044
- Membership of various programs: \$616,301  
(Operational, CNSWJO Water Utilities Alliance, Tourism and Western Region Academy of Sport)

### 2. Fees & Charges

Under the Local Government Act 1993, the CNSWJO may charge and recover an approved fee for its services.

CNSWJO must consider the following when establishing approved fees:



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- The cost of provision of the service.
- Recommended prices suggested by outside bodies.
- The importance of the service.
- Legislation that regulates certain fees.
- Goods & Services Tax legislation.

### 3. Reserves

Restricted reserves, both internal and external, for the 2025/2026 year have been reviewed by three General Managers and the following heads of consideration have been observed:

- Ensuring a cash amount of 75% of Employee Leave Entitlements is internally reserved.
- A plant and equipment reserve considers the turnover of vehicles and office equipment including mobile phones on a 4 year cycle.
- Ensuring cash flow can be maintained through grant payment tardiness in a working capital reserve.
- Grant payments are reserved for their purpose.
- Any surplus from fees or projects for different programs are retained for their purpose.
- All other reserves determined by the Board are reviewed annually by the Board.

### 4. 2025-2026 Budget

<b>Income</b>	<b>Budget 2025/2026</b>
CNSWJO Membership Fees	384,044
CWUA Best Practice Program	346,013
CNSWJO Regional Tourism Group	127,249
CNSWJO Operational Membership	130,824
WRAS	12,215
	<b>\$1,000,345</b>
Grant funding - JONZA	\$167,648
Grant funding - Disaster Ready Fund 2	\$111,470
Grant funding - Water Loss Management Phase 2	\$50,000
	<b>\$329,118</b>
CWUA -Smart Approved Watermark	20,360
	<b>\$20,360</b>
HR - Regional Training Service Income	100,000
	<b>\$100,000</b>
Management Fees from Contracts	300,000
Management Fee from LGP	100,000
Procurement consulting to members	20,000
	<b>\$420,000</b>
Copyright Licence	20,000
Cyber Security (from members)	161,789
Vehicle Lease Back	16,000
Interest	20,000
	<b>\$217,789</b>
<b>Total Income</b>	<b>\$2,087,611</b>

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<b>Expenditure</b>	
Executive Officer Costs inc vehicle	170,000
Director Regional Programs inc vehicle	88,000
Finance Manager	95,000
Project Officer - Procurement	130,000
Project Officer - Energy and Procurement (assume 3 days per week)	20,000
Project Officer - Operations	75,000
Project Officer - Water	0
Energy/Net Zero Programming	12,500
Cybersecurity Project	161,789
Project and Executive Support Officer	46,000
Productive Water and Advocacy Manager - JO costs	90,000
CWUA - Best Practice Program (inc staff)	346,013
CWUA - Smart Approved Watermark	20,360
Grant - Water Loss Management Round 2	50,000
Grant - JONZA (inc staff)	167,648
Grant - Disaster Ready Fund (inc staff)	111,470
Regional Resilience Program Manager - JO costs	120,000
CNSWJO Regional Tourism Group Marketing	127,249
Remuneration of the Chair	10,300
WRAS	12,215
HR - Training Service Costs	95,000
Regional Medical Student Scholarship	15,450
Advocacy	15,450
Accounting/Audit/Financial Services Support	29,870
Bank Fees and Sundry Costs	2,575
Computer Software/Licences	2,060
Mobile phones	5,500
Procurement Software	4,120
Copyright Licence	20,000
Depreciation (excl vehicles)	5,000
Internet Cloud	19,000
Legal	10,000
Operational Teams Costs	5,000
Printing/Stationery/Postage	1,030
Zoom Conferences	1,545
Website Hosting and Costs	1,545
<b>Total Expenditure</b>	<b>\$2,086,688</b>
<b>Net Profit/Loss</b>	<b>\$923</b>

## 12 COMMITTEE REPORTS

<b>12.1</b>	<b>Local Emergency Management Committee Meeting 10 February 2025</b>
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File No:	Governance/Meetings/LEMC
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Author:	Dr Cornelia Wiebels (Technical Services Director)
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### Summary

Minutes of the Local Emergency Management Committee Meeting held on 11 November 2024 are submitted for Council's information and endorsement.

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### Recommendation:

That Council receive and note minutes of the Local Emergency Management Committee Meeting held on 11 November 2024.

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### List of Attachments

1. 241111 Local Emergency Management Committee Meeting 11 November 2024 [12.1.1 - 5 pages]

### Comment

The Local Emergency Management Committee held its meeting on 11 November 2024. The meeting received update reports from NSW Reconstruction Authority, Department of Communities and Justice, the Australian Red Cross, Essential Energy, Rural Fire Service, Transport for NSW and the NSW State Emergency Service. These updates were all endorsed by the Committee

It was noted that the EMPLAN continues to be reviewed and will be endorsed upon completion.

### Next Meeting Date

10 February 2025 – These minutes will be provided to the April Ordinary Meeting.



OBERON COUNCIL

## MINUTES

# OBERON LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING

### **Members**

Andrew Elms, NSW Police Force (REMO)  
Darryl Goodwin, NSW Police Force, Chief Inspector (Acting)  
Scott Hoy, Rural Fire Service NSW  
Keven Verhoeven, NSW Fire and Rescue  
Chris James, NSW Fire and Rescue  
Angela Lonergan, National Parks and Wildlife Services  
Andrew Le Lievre, Jenolan Caves Reserve Trust  
Jason Sargent, Essential Energy  
Craig Gibbons, SES NSW  
Andrew Brady, Borg Panels  
Peter Hartland, Woodchem  
Kevin Jenkins, Transport for NSW  
Tammy Greer, National Emergency Management Agency  
Matt Armstrong, NBN Local Central NSW  
Melissa Manning, Department of Education  
Lisa Glasson, Department of Communities and Justice

### **Staff Delegates**

Dr Cornelia Wiebels, Director Technical Services (Chair)

## 1 APOLOGIES

Gary Wallace, Oberon Council  
Sgt Al John, NSW Police Force, Oberon (LEOCON)  
Chris Sammut, NSW Police Force (Deputy LEOCON)  
Dane Philippe, NSW Fire and Rescue  
Angela Lonergan, National Parks and Wildlife Services  
Chris Freeman, Ambulance NSW  
Ron Gavin, Ambulance NSW  
Andrew Sterling, Corrective Services NSW  
Brad Foley, Corrective Services NSW  
Cecilia Hunt, NSW Reconstruction Authority

## 2 DECLARATIONS OF INTEREST

Pecuniary	- Nil
Non-Pecuniary Significant	- Nil
Non-Pecuniary Less than Significant	- Nil

## 3 CONFIRMATION OF PREVIOUS MINUTES

### 3.1 Minutes from meeting held on 12 August 2024

#### Recommendation to Council:

That the Minutes of the Oberon Local Emergency Management Committee Meeting held on 12 August 2024 be noted.

#### Matters Arising from the Minutes

Nil

## 4 REPORTS

### 4.1 NSW Reconstruction Authority Report October 2024

Author: Cecilia Hunt, Coordinator, Regional Delivery  
Preparedness & Recovery Group

#### Summary

The NSW Reconstruction Authority Report for October 2024 was submitted to the LEMC Meeting.

#### Recommendation to Council:

That the NSW Reconstruction Authority Report for October 2024 be noted.

### 4.2 Department of Communities and Justice Spring-Summer Report 2024

Author: David Mineham, Department of Communities and Justice

#### Summary

The Department of Communities and Justice Spring-Summer Report 2024 was submitted to the LEMC Meeting.

#### Recommendation to Council:

That the Department of Communities and Justice Spring-Summer Report 2024 be noted.

**4.3 Australian Red Cross Report October 2024**

Author: Kerrie Edwards, Regional Emergency Services Officer

**Summary**

The Australian Red Cross Report for October 2024 was submitted to the LEMC Meeting.

**Recommendation to Council:**

That the Australian Red Cross Report for October 2024 be noted.

**4.4 Essential Energy October Report 2024**

Author: Jason Sargent, Resource Supervisor Essential Energy

**Summary**

The Essential Energy Report for October 2024 was submitted to the LEMC Meeting.

**Recommendation to Council:**

That the Essential Energy Report for October 2024 be noted

**4.5 Rural Fire Service Report October 2024**

Author: Scott Hoy, District Coordinator Chifley Lithgow

**Summary**

The RFS Report for October 2024 was submitted to the LEMC Meeting.

**Recommendation to Council:**

That the RFS October Report 2024 be noted.

**4.6 NSW SES Agency Report October 2024**

Author: Chief Inspector David Cox, Zone Operational Readiness Officer

**Summary**

The NSW SES Report for October 2024 was submitted to the LEMC Meeting.

**Recommendation to Council:**

That the NSW SES October Report 2024 be noted.

**4.7 TfNSW Agency Report October 2024**

Author: Kevin Jenkins, Transport for NSW

**Summary**

The TfNSW Report for October 2024 was submitted to the LEMC Meeting.

**Recommendation to Council:**

That the TfNSW October Report 2024 be noted.

## 5 GENERAL BUSINESS

**Keven Verhoeven, Fire and Rescue NSW** advised a joint agency drill was conducted at Woodchem last month. All local emergency services were invited to test and use their skills.

**Lloyd Lockwood, Ambulance NSW** advised that they are currently operating with minimal staff. Ambulance NSW advised that when the Rodeo was on a few weeks ago that the spike in workload was intense for a short period of time. Requesting for future planning of the Rodeo that having an ambulance on standby at the event to transport patients to hospitals. Three private medical company's patients were required to be transported to Orange in a noticeably short period.

**Andrew Brady, Borg** advised that the fibre incident can be closed off, currently going back and forth with EPA and nothing further has been added. The Borg Christmas party is scheduled for 07 December 2024 commencing at 4:00 pm at the Rugby Leagues Club on the football fields as per previous years.

**Jason Sargent, Essential Energy** is currently conducting business as usual and advised that the fibre network upgrade will not cause any disruption to residents. NBN East towers had outages in October which have been rectified.

**Andrew Elms, NSW Police** advised that the LEMC Planning guide has been sent out. New templates for EMPLAN and consequence management are available and have been sent out.

**Andrew Le Lievre, Jenolan Caves** handed a hard copy ERP to Council and a digital copy will be emailed. Currently planning on reopening Jenolan Caves with access only from the Two Mile between 25 October and March 26, 2025. Requesting to commence planning for a joint agency fire drill scenario.

**Peter Hartland, Woodchem** advised the drill had proved itself quite valuable and since then we have had a few upgrades and added CCTV footage.

**Scott Hoy, Rural Fire Service NSW** Keynote is that all appliances now have mobile data terminals which increases our communication capability and mappings, and communication will be direct if signal is maintained. Public Safety Network (PSN) turn on is imminent.

**Dr Cornelia Wiebels, Oberon Council** commented that Council have submitted an incomplete draft of the EMPLAN and the previous one. Requesting any feedback and will liaise with external agencies individually. Dr Wiebels provided an overview of the smoke testing that Council Contractors are undertaking.

**Kevin Jenkins, TfNSW** advised that on 11 November 2024 work will commence around the Fish River Bridge at O'Connell commencing with vegetation clearing in preparation for peer drilling. Light detours have been confirmed with heavy vehicles to utilize Jenolan Cave and the Great Western Highway. TfNSW will have additional resources in the field for the holiday period and holiday travel, additional resources will include resources travelling up and down the highways and electronic signage in the field.

**Angela Lonigan, National Parks and Wildlife** advised that the Total Fire Ban has been enacted for the season.

**Melissa Manning, Department of Education** advised of a very busy time with the far West power outage and some earthquake activity. All schools have been operational in the reporting period. Site preparation is underway to ensure schools are bushfire read. The Department of Education advised that not all schools are necessarily closed during the holiday period and the Department of Education will be available 24/7 across the whole period.

**Tammy Greer, National Emergency Management Agency** advised they have been supporting the Lebanon repatriation flights. Work is going on with the two recently released reviews, the independent review of Commonwealth disaster funding and another independent review of National Natural disaster governance arrangements.

Draft version of the 2024 EMPLAN was considered for review and comment and to consider future endorsement on completion of the draft.

**Recommendation to Council:**

That the EMPLAN continues to be updated and endorsed on completion of the draft.

## **6 NEXT MEETING DATE AND MEETING CLOSE**

### **6.1 Next Meeting Date And Meeting Close**

The next meeting of the Local Emergency Management Committee Monday, 10 February 2025, at the Oberon Library - 74A Dart Street, Oberon.

The meeting closed at 2:35 pm.



**12.2 Local Traffic Committee Report**

File No: Governance/Meetings/TALC

Author: Dr Cornelia Wiebels (Technical Services Director), Thomas Dimec (Project Engineer)

**Summary**

The report is to inform Council of the recommendations adopted by the Oberon Local Traffic Committee in March 2025.

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**Recommendation:**

That Council receive and note minutes of the Oberon Local Traffic Committee Meeting held on 6 March 2025.

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**List of Attachments**

Nil

**Comment**

The Oberon Local Traffic Committee (LTC) Meeting was held on 6 March 2025 at the Oberon Library and Community Centre, 9.45am – 11.50am, with all four delegates present (TfNSW via Teams, Police, Local Member and Council).

These meetings are generally held quarterly on the first Thursday of the month. The next meeting is scheduled for 5 June 2025 at 2pm.

The following recommendations were endorsed by the Committee:

**4.2 TC25.02 Temporary Road Closures and Hu Detour Six Foot Track Marathon 2025**

**Recommendation:**

That the General Manager (Director of Technical Services) be advised that the Oberon Local Traffic Committee has no objection to the following proposed road closures, and detour. For the event on 8 March 2025 in support of Six-Foot Track Marathon 2025.

**Recommendation (by consent):**

The Oberon Local Traffic Committee has no objection to the following proposed road closures, and detour. For the event on 8 March 2025 in support of Six-Foot Track Marathon 2025.

Passed: Unanimous

**4.3 TC25.03 Proposed Signs and Linemarking, Foley's Creek Road – Sewells Creek Road, Essington**

**Recommendation:**

That the General Manager (Director of Technical Services) be advised that the Oberon Local Traffic Committee has no objection to the proposed 'Give way' R1-2 controls and associated line marking along Foleys Creek Road – Sewells Creek Road, Essington.

**Recommendation (by consent):**

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The Oberon Local Traffic Committee has no objection to the proposed installation of 'Give way' R1-2 controls and associated line marking, in accordance with relevant standards, along Foleys Creek Road – Sewells Creek Road, Essington.

Passed: Unanimous

#### **4.4 TC25.04 2025 Variety 4WD Adventure**

**Recommendation:**

That the General Manager (Director of Technical Services) be advised that the Oberon Local Traffic Committee has no objection to the following proposed event 2025 Variety 4wd Adventure Saturday 2 March – Saturday 29 March 2025.

**Recommendation (by consent):**

The Oberon Local Traffic Committee has no objection to the following proposed event 2025 Variety 4wd Adventure Saturday 2 March – Saturday 29 March 2025.

Passed: Unanimous

#### **4.5 TC25.05 Temporary Road Closure for ANZAC Day Services and Marches**

**Recommendation:**

That the General Manager (Director of Technical Services) be advised that the Oberon Local Traffic Committee has no objection to the following proposed road closures on 25th April 2025 in support of the annual ANZAC Day marches and ceremonies.

Plan No (TGS No 2025- OPUS-1792918174-929 )

**Recommendation (by consent):**

The Oberon Local Traffic Committee notes that Transport for NSW (TfNSW) has no objection (Road Occupancy Licence ROL approved) to the following proposed road closures on 25th April 2025 in support of the annual ANZAC Day marches and ceremonies.

Plan No (TGS No 2025- OPUS-1792918174-929 )

Passed: Unanimous

#### **4.6 TC25.06 Parking Restriction, Albion Street – Oberon**

**Recommendation:**

That the General Manager (Director of Technical Services) be advised that the Oberon Local Traffic Committee has no objection to the proposed parking ¼ hour parking zone restrictions on Albion Street, Oberon as per Plan No TRAF2025/07, subject to the additional 'No Stopping' zone east of the northern section of the service station driveway, Albion Street – Oberon.

Plan No (TRAF2025/07 )

**Recommendation (by consent):**

The Oberon Local Traffic Committee has no objection to the proposed parking ¼ hour parking zone restrictions on Albion Street, Oberon as per Plan No TRAF2025/07, subject to the additional 'No Stopping' zone east of the northern section of the service station driveway, Albion Street – Oberon and subject to a 3 - 6 months trial period followed by a report back to LTC regarding the effectiveness of the implemented controls.

Plan No (TRAF2025/07 )

Passed: for – Police delegate, TfNSW delegate, Local Member delegate; against – Council delegate  
The following reports were adjourned:

#### **4.1 TC25.01 Proposed Taxi Stand Ross Street**

**Recommendation:**

That the General Manager (Director of Technical Services) be advised that the Oberon Local Traffic Committee (has no objection) to the erecting of Taxi Zone signs at the location Ross Street Oberon near the NAB Building as per Plans No 0001 and No 0002/TC25.01-02.

Not passed.

The item was deferred with the request to undertake further investigation and consultation in relation to a suitable taxi stand within Oberon and to be reported back to the June 2025 LTC meeting.

#### **4.7 TC25.07 Oberon Street Pedestrian Crossing Zebra (Middle Town) – Oberon**

**Recommendation:**

That the General Manager (Director of Technical Services) be advised that the Oberon Local Traffic Committee receive this report for information and that Council obtain to install new Flashing Lights, advance warning signs, and Line marking (Zig Zags) for this proposal will be costed out of Transport for NSW's Block Grant Funding allocated to Council for new signage and line marking.

Not passed.

The TfNSW delegate advised that TfNSW requires further investigation by TfNSW staff.

#### **4.8 TC25.08 Carlwood Road – O'Connell Road Intersection, O'Connell**

**Recommendation:**

That the General Manager (Director of Technical Services) be advised that the Oberon Local Traffic Committee receive this report for information that no further action be taken to the Intersection of Carlwood Road and O'Connell Road O'Connell.

Not passed.

The Carlwood Road intersection referred to in previous LTC minutes did not indicate the intersection. A report will be brought back to the June 2025 LTC meeting with reference to the Carlwood Road and Lowes Mount Road intersection.

The following items were identified to require reports to the next LTC:

- 1) Report number 4.8 "TC25.08 Carlwood Road – O'Connell Road Intersection, O'Connell" – see above.
- 2) Linemarking investigation for Beaconsfield and Box Flat Roads.

## 13 REPORTS FOR DECISION

<b>13.1</b>	<b>O'Connell Recreation Ground MOU</b>
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File No:	O'Connell Recreation Ground MOU
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Author:	Gary Wallace (General Manager)
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### Summary

Council has been approached by the newly established incorporated body known as the O'Connell Cricket Club seeking interest from Council in entering a non-binding Memorandum of Understanding (MoU) in supporting the maintenance and development of the O'Connell Recreation Ground.

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### Recommendation:

That Council:

1. Receive and note the report.
  2. Enter into a new Memorandum of Understanding with the O'Connell Cricket Club for the period 1 January 2024 to 30 June 2026.
  3. Delegate to the General Manager to sign all appropriate documentation in relation to the new O'Connell Cricket Club MOU.
- 

### List of Attachments

1. 240702 - MOU O'Connell Recreation Ground [13.1.1 - 4 pages]

### Comment

On 4 July 2024 Council staff met with representatives of the newly formed O'Connell Cricket Club Inc. (OCC) to seek Council's interest in committing to a MoU whereby onus on the additional maintenance requirements (above current Council levels of service) to ensure the facility is kept in a pristine condition following the finalisation of Stage 1.

The group are keen to work with Council in maintenance of the facility grounds as well as apply for grants to value add the ground.

At the July 2024 Ordinary Meeting Council resolved to:

1. *Receive and note the report*
2. *Applaud the intention of O'Connell Cricket Club to enter into a MOU with Council*
3. *Delegate the GM to negotiate the MOU with the O'Connell Cricket Club and gather more details and outline responsibilities*
4. *The finalised MOU to come back to August 2024 Ordinary Meeting, if possible, for approval*

*Carried - Resolution No: 14 - 16/07/2024*

*Division Votes for: Clr Kellam, Clr McKibbin, Clr Graham, Clr Hayden, Clr McCarthy and Clr Tucker  
Votes against: Nil*

Staff, in consultation with the OCC, have developed a MOU which is now presented to Council for consideration.

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Any assistance would be in a value-add capacity rather than a core responsibility.

It is recommended that council support the recommendations as presented.

**Financial Implications**

The MOU outlined responsibilities of the group above and beyond that which Council could deliver as a value-add proposition.

**Relevance to Oberon Community Strategic Plan**

**Theme 1: Community Well Being**

*Action 1.2 Meet the social, cultural and physical activity needs of the community*

1.2.1 Develop a program to increase the level of volunteering

1.2.5 Implement the Sports field maintenance program and coordinate use of facilities with user groups

1.2.16 Maintain and develop sporting facilities and grounds

**Risk Category**

Financial

Assets and Infrastructure

Service Delivery

**Risk Severity Ranking**

Insignificant - 20%

THIS Memorandum of Understanding (MOU) is made on the xxxx day of March 2025

BETWEEN

**Oberon Council**, ABN 13 632 416 632, of 137-139 Oberon Street, OBERON NSW 2787  
(Council)

and

**O'Connell Cricket Club**, ABN 22 13273 298 of 2427 O'Connell Road, O'CONNELL

## WHEREAS

- A. Council has, after representations from the O'Connell Cricket Club, determined to assist in maintenance of the O'Connell Recreational Ground
- B. The Cricket Club wishes to assist with additional maintenance of the O'Connell Recreational Ground above that which would be considered Councils role.
- C. The Parties wish to ensure that the Recreational Ground is available for use by all members of the community and for use by members of the community for sporting events and celebrations. These events and celebrations may include educational, school activities plus community activities and celebrations
- D. All works are undertaken in accordance with the endorsed O'Connell Recreational Ground Master Plan

## MOU CONCEPTS

### 1 Interpretation

1.1 The following terms shall have the following meaning in this MOU:

- a) "Rec Ground" means the parkland area in O'Connell owned by Oberon Council bordered by O'Connell and Beaconsfield Roads, being known as Lot 10 DP 1261143, 3880 Beaconsfield Road, O'Connell



- b) "Designated Location" means the location for the O'Connell Recreation Ground identified in the plan above
- c) "Party" means on or other of Council or O'Connell Cricket Club
- d) "Parties" means collectively Council and O'Connell Cricket Club
- e) "O'Connell Recreational Ground Master Plan" means the endorsed plan resolved by Council at its March 2022, resolution No. 16 150322

## **2 Status of this MOU**

- 2.1 This MOU does not nor is it intended to create any legally binding obligations on the Parties. The MOU sets out a framework under which the Parties should act. Any action taken or not taken by any Party in reliance on the provisions of this MOU shall be at that Party's risk.

## **3 Understanding**

- 3.1 The Parties acknowledge that:

- a) Ownership and title of the land which constitutes the O'Connell Recreational Ground will continue to be managed by Oberon Council and no lease or licence is granted to the O'Connell Cricket Club;
- b) Council will be responsible for all maintenance works at the Designated Location in line with appropriate levels of service for the Rec Ground:
- c) Oberon Council will remain the primary responsible authority for the O'Connell Recreational Ground; and
- d) O'Connell Cricket Club will work collaboratively with Council to ensure appropriate maintenance is undertaken
- e) Responsibilities for additional ground maintenance, pitch preparation and facility upkeep are shared between the parties
- f) Regular inspections and joint assessments will ensure compliance with agreed standards

### **3.2 Councils Responsibility**

- Council will undertake maintenance including cutting of grass, keeping the Rec Ground clean and tidy in a manner (including weed control, mowing, fertilizing, watering and cleaning) applicable with the current levels of service, using existing plant owned and operated by Oberon Council.

### **3.3 O'Connell Cricket Club Responsibility**

- O'Connell Cricket Club will work collaboratively with Council to ensure appropriate maintenance is undertaken
- Provide 'value add' assistance above existing levels of service of Council, which include:
  - Additional mowing of cricket ground and surrounds
  - Additional cleaning of amenities – where appropriate

- Assistance with watering and irrigation
- Line marking – where appropriate

All within the confines of the existing O’Connell Recreational Ground Master Plan

#### **4. Facilitation and Co-operation**

O’Connell Cricket Club in conjunction with Oberon Council will provide the following

- General maintenance of the O’Connell Recreation ground for the local cricket team and community
- Community engagement promoting cricket at grassroots level and fostering community participation
- Council will assist with grant funding opportunities
- Council will provide tools/fuel in an onsite shed to carry out general maintenance

#### **4 Insurance**

- 4.1 Council has a Public Liability Insurance policy that covers it for any negligent acts or omissions that may cause injury, death or damage. This policy extends to the O’Connell Recreational Ground. The policy is maintained for \$20 million per claim and \$20 million in the aggregate.

#### **5 Variation to this MOU**

- 5.1 It is the intention of the Parties that any amendment or variation to this MOU will be in writing and mutually agreed by the Parties.

#### **6 Nominated Contacts**

- 6.1 The Parties representatives for administering this MOU as at the date this MOU is signed are listed below in Clause 7.2. The representatives may change over time. A Party should update any changes by notifying the other Party in writing.

##### **6.2 Council**

Gary Wallace  
General Manager  
0263298151  
gary.wallace@oberon.nsw.gov.au

##### **O’Connell Cricket Club**

Name:  
Position  
Phone:  
Email:



The parties have executed this MOU on the day and year first above written.

SIGNED )  
For Oberon Council )  
by Gary Wallace )  
General Manager )  
in the presence of: ) .....

.....

.....

SIGNED )  
for O'Connell Cricket Club )  
By )  
Position ) .....  
In the presence of: )

.....

.....

**13.2 Community Nominations Section 355 Committees**

File No: Governance/Meetings/Committee

Author: Gary Wallace (General Manager), Sharon Swannell (Governance and Executive Manager)

**Summary**

Council appointed its Councillor delegates and Chairs of the Section 355 Committees at an Extraordinary Meeting held on 7 November 2024. Following this, Council advertised seeking community representation on the Section 355 Committees for the coming two years. This report seeks confirmation of the Community delegates to these Committees.

Since the appointment of its delegates Councillor Jill O’Grady has resigned from Council and a countback election has been held resulting in the election of Cllr Michael Crye.

Cllr O’Grady was the Councillor delegate on the Black Springs Community Hall Committee. A vacancy now exists for a councillor to nominate as the alternate on this committee. Cllr O’Grady was also appointed as the Alternate Delegate of the Joint Regional Planning Panel and the delegate to the Rural Fire Service Chifley Zone Liaison Committee and the Central Tablelands Weeds Authority.

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**Recommendation:**

That Council:

1. Confirm the appointments of the community delegates to its Section 355 Committees as highlighted in the report.
  2. Nominate a councillor to be the alternate delegate on the Black Springs Community Hall Committee.
  3. Nominate a councillor to be the alternate delegate on the Joint Regional Planning Panel.
  4. Nominate a councillor to be a delegate on the Rural Fire Service Chifley Zone Liaison Committee.
  5. Nominate a councillor to be a delegate on the Central Tablelands Weeds Authority.
  6. Council re-endorse Policy 1114 Volunteers and Section 355 Committees as presented.
  7. Council re-endorse the Section 355 Volunteers Management Manual as presented.
- 

**List of Attachments**

1. 1114 Volunteers and Section 355 Committees - March 2025 [13.2.1 - 2 pages]
2. Section 355 Volunteers Management Manual - March 2025 [13.2.2 - 28 pages]

**Comment**

The following table provides a list of community nominations received for each of the Committees:

After an Expression of Interest period, the following nominations have been received for community delegates for the respective Section 355 Committees:

<b>Black Springs Community Hall Committee</b>	Michelle Swaan Ranae Barron
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Chair – Clr Helen Hayden Vacant	Kerry Gibbons Lincoln Briffa
<b>Community Services Committee</b>  Chair - Deputy Mayor Katie Graham Clr Helen Hayden	Lucy O’Flaherty Phillippa Gemmell-Smith Rhonda Boyce Melanie Lawson Christina Slattery Elaine Boxer Jean Clark Lincoln Briffa
<b>Hazelgrove Public School Reserve Committee</b>  Chair - Clr Helen Hayden	Elaine Boxer Lincoln Briffa Brett Fitzpatrick Renee Howard Graham Whittaker
<b>Heritage Committee</b>  Chair - Clr Lauren Trembath Clr Helen Hayden	Phillippa Gemmell-Smith David Willis Susan Willis Robert (Bob) Mills Lincoln Briffa
<b>Oberon Sports Facilities Committee</b>  Chair - Deputy Mayor Katie Graham Clr Tony Alevras Clr Clive McCarthy Clr Frank O’Connor	Jaclyn Yeo Veronika Cvitanovic Neil O’Grady Spiros Kavalieros Greg Behan Lincoln Briffa

**Policy 1114 - Volunteers and Section 355 Committees**

A copy of the revised Policy 1114 – Volunteers and Section 355 Committees is presented for Councils endorsement. Given only minor legislative updates have been made no mark-up version of the policy has been provided.

**Section 355 Manual**

A copy of the updated Section 355 Manual is provided as part of this report.

Council has a Management Manual for Section 355 Committees and Volunteers to assist with providing the appropriate framework and guidance for Council to operate its Section 355 Committees. The Manual provides an overview of the relevant policies that Councillors and Community delegates operate under when carrying out their responsibilities as members of a Section 355 Committee. The manual also sets out the legislative basis of the committees, the responsibility and conduct for committee members, day to day operation of committees as well as WHS and Risk Management responsibilities.

A copy of the relevant requirements and charter for each committee is also included in the Manual. Each Committee will additionally endorse the requirements of the charter within the revised Manual and will endorse their Terms of Reference at the first meeting of the committee for this term of Council. The Manual will be updated following endorsement of community representatives. Any changes to Committee Terms of Reference will also be updated in the manual.

**Financial Implications**

Council provides administrative support for the operation of its Section 355 Committees. The Section 355 Committees have no financial delegation.

**Relevance to Oberon Community Strategic Plan**

**Theme 5: Leadership and Engagement**

*Action 5.1 Partner with local communities to create an ongoing culture of engagement to aid Council decision making*

5.1.3 Opportunity for individuals to participate and volunteer in activities

5.1.6 Section 355 Committees

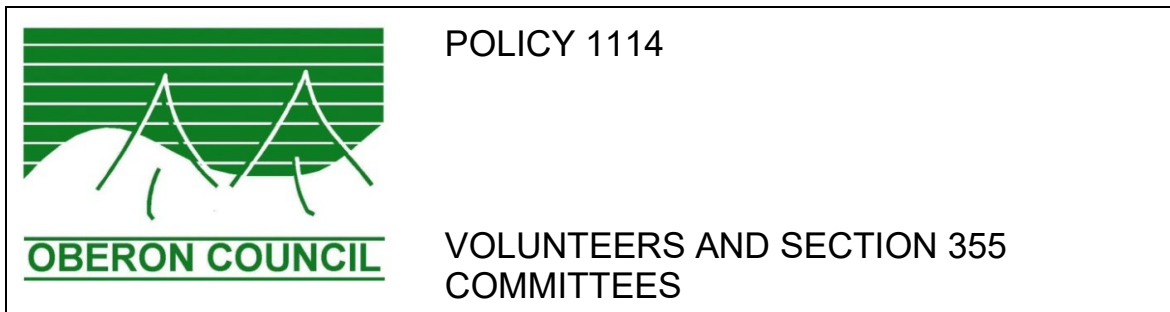
**Risk Category**

Public Image and Reputation

Governance

**Risk Severity Ranking**

Insignificant - 20%



### 1. Intent of Policy

To clarify the relationship between the Oberon Council and its volunteers as part of its Risk Management Program.

### 2. Scope of Policy

Council may establish a Committee of Council to exercise its functions on Council's behalf as per section 355(b) of the NSW Local Government Act (1993). Division 5 (s259-271) of the Local Government Regulations (2005) details the provisions and operations pertaining to the establishment of Council Committees.

This policy applies to \*volunteers which includes members of Section 355 Committees of Council. This policy sets out the expectations of the Oberon Council, articulating the rights and responsibilities of volunteers.

*Oberon Council policies relevant to this policy*  
Section 355 & Volunteers Management Manual  
*Policy 1102 - Code of Conduct*

### 3. Guidelines

#### Rights

Council will:

- Ensure that all voluntary work is undertaken on a voluntary basis and without coercion
- Ensure a safe environment and implement procedures and provide personal protective equipment to safeguard volunteer's safety and well being, including appropriate volunteer insurance
- Provide clear delineation of their duties and responsibilities.
- Ensure the same legal protection as paid workers in terms of Workplace Health Safety, Risk, Welfare and Equal Employment Opportunity principles and recognising ethnic and cultural diversity.
- Provide a volunteers Induction Program and Management Manual which will be developed, implemented and maintained by Council staff.
- Provide training appropriate to their role.
- Ensure that Section 355 Committees are provided with an endorsed constitution or charter setting out their membership and delegation.

**Responsibilities**

Volunteers will:

- Become familiar with, and work within Councils policies and procedures including Code of Conduct.
- Respect and maintain confidential information.
- Work within a team structure and accept any direction and supervision from appropriate paid staff.
- Work in a safe manner and not put others at risk.

**Definitions**

Volunteer: Volunteers are community members who are motivated to undertake some form of service or activity for no financial reward or recompense of their own free will and without coercion which is of benefit to the community and the volunteer.

Approving Authority	Oberon Council
Contact	General Manager
Approval	18 March 2025, Item xx, Minute xx 18/03/2025
Revised	15 September 2020, Item 13.02 Minute 10 150920 15 September 2009: Item B4, Minute 8 May 2007: Item B8, Minute 15 15 March 2022, Item 13.11, Minute 23 150322
Revision Date	March 2025
Issue Date to Staff	



**OBERON COUNCIL**

## MANAGEMENT MANUAL

### SECTION 355 COMMITTEES AND VOLUNTEERS

#### CONTENTS

- 1.0 Foreword**
- 2.0 Council Policies**
- 3.0 Legislative Basis of Section 355 Committees**
- 4.0 Responsibility & Conduct**
- 5.0 Operation of Section 355 Committees**
- 6.0 Risk Management, Workplace Health & Safety & Insurance**
- 7.0 Independent Organised Groups**
- 8.0 APPENDIXES**
  - 1. List of Section 355 Committees
  - 2. Section 355 Committee Charters
  - 3. Oberon Council Code of Conduct
  - 4. Section 355 Committee Code of Meeting Practice including;
    - Chairpersons Duties and Responsibilities
    - Committee Member's Duties and Responsibilities
    - Format for Good Minutes
  - 5. Application to work with Council as a volunteer
  - 6. Risk Assessment Form
  - 7. Volunteer Attendance Register

## **1 FOREWORD**

### **Section 355 Committees and Volunteers Management Manual**

The intention of this manual is to implement Council's policy on Volunteers and Section 355 Committees by formalising applicable responsibilities and procedures.

The Council cannot perform all the tasks necessary to provide a high standard of services and facilities for the community and volunteers provide an invaluable service to the community. Council has a responsibility to protect the health and safety of these volunteers, but also has legislative requirements to oversight the operation of volunteer committees.

This Manual provides guidelines on the responsibilities, functions and operation of a Section 355 committee and clarifies Council's role in this partnership. Upon formal approval of a Section 355 committee by Council, its members are required to adopt and adhere to the conditions set out in this document. Adherence will ensure Council and committee members are aware of the responsibilities and adequately covered by insurance.

Council is conscious of the fact that members of the community volunteer to undertake forms of service or activity for no reward or recompense, and do not expect to be bogged down with procedures and paperwork. This manual has been produced in an attempt to simplify and standardise mandatory procedures and forms that have to be followed or completed in compliance with legislation.

I trust that each of us, Council employee and volunteer, will comply with the procedures and processes contained in this Section 355 Committees and Volunteers Management Manual, to ensure that the vital service provided by our volunteers continues to be an enjoyable experience and benefit to the community.

**Gary Wallace**  
GENERAL MANAGER



## 2 COUNCIL POLICIES

Any Section 355 Committee is required to be formed under the same provisions as a Local Government Authority. In this instance the following Policies of Council are applicable to all Section 355 Committee, and include:

- Policy 1101 Code of Meeting Practice
- Policy 1102 Code of Conduct
- Policy 2110 Workplace Health and Safety Policy
- Policy 1113 Risk Management
- Policy 1114 Volunteers and Section 355 Committees Policy
- Policy 2123 Positive Working Relationships for an Anti-Bullying and Harassment Free Workplace
- Policy 1123 Councillor and Staff Interaction

All these policies can be found on Councils website at [www.oberon.nsw.gov.au](http://www.oberon.nsw.gov.au)

## 3 LEGISLATIVE BASIS OF SECTION 355 COMMITTEES

### 3.1 Local Government Act 1993

The Local Government Act 1993, Section 24 – Provision of goods, services & facilities and carrying out of activities, states the following:

*“A council may provide goods, services & facilities, and carrying out activities, appropriate to the current & future needs within its local community & of the wider public, subject to this Act, the regulations & any other law”.*

### 3.2 Delegation of Function

Under the Local Government Act 1993 Council is able to delegate some of its functions to a committee of Council. Council uses this delegation and appoints community people to manage its facilities or functions through a committee of management.

### 3.3 Why Have Section 355 Committees?

The committees provide a mechanism by which interested persons can have an active role in the provision/management of Council facilities or services. This provides a twofold benefit by giving protection to the committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions.

### 3.4 How Section 355 Committees are established?

These committees are established under Section 355, with delegations from Council under the provision of Section 377 of the Local Government Act. Section 355 allows Council to exercise a function of Council and Section 377 allows Council to delegate functions of Council. These terms refer to the section of the Local Government Act in which the authority for such a committee to be formed is identified.

### 3.5 Procedure for Establishing a Section 355 Committee

1. The group must make written application to Council detailing reasons/purpose for establishment of a Section 355 Committee.
2. A report to be presented to Council including:
  - information to support the committees establishment including role, function and anticipated life if appropriate;
  - recommendation from General Manager;
  - specific authority being delegated by Council.

3. A motion to be passed by Council worded thus:

It was resolved that 'xyz committee' be established as a Council Committee in accordance with Section 355 of the Local Government Act 1993, such committee to be bound by the conditions laid out in the Oberon Council "Section 355 Committees & Volunteers Management Manual".

4. The committee will be notified of the decision of Council and if adopted, a copy of this Manual will be forwarded to the committee.

#### **4 RESPONSIBILITY & CONDUCT**

##### **4.1 Responsibility**

The Section 355 Committee will be responsible for activities as determined when the committee is established. This responsibility will be conveyed to the committee and is listed in their specific charter - Appendix 2.

##### **4.2 Limitation of Powers**

The committee may not make decisions concerning the following:

- a. Fixing of charges or fees (the committee may submit recommendations for approval by Council in relation to the fixing of charges and fees for use of the facility under its control).
- b. Borrowing of any monies without the express written consent of Council on each such occasion.
- c. The sale, lease or surrender of any land and or other property vested in its care under the provisions of the Local Government Act 1993 (as amended).
- d. The acceptance of tenders which are required to be called by Council. (The committee may invite and accept quotations for minor works, goods and services covered within the scope of its authority or as agreed with Council).
- e. The payment or making of any gift, to its members. This includes the payment of allowances or travelling expenses incurred whilst attending committee meetings.
- f. The payment of any monies outside the scope of the Committees function.
- g. The carrying out of any works on or to the facility including alterations, reconstructions or construction without the prior consent of Council (does not include minor maintenance works).
- h. Unreasonably withholding consent for the letting of the facility to any organisation which agrees to comply with and adhere to the rules adopted for use of the facility, providing an acceptable letting period is available.
- i. Vote monies for expenditure on the works, services or operations of Council.

The exercise by the Committee of its power and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any Rules and Regulations made by the Council, in relation to the facility/function under its management and control.

If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

#### 4.3 Code of Conduct

Oberon Council has adopted a Model Code of Conduct in its entirety as published by the Office of Local Government. The Model Code of Conduct is applicable to both elected Councillors and employed staff. This Code of Conduct sets out the principles to ensure the business of Council is carried out in an efficient, honest and impartial way.

As Section 355 Committees are operating as part of Council, it is important for committees to be aware of, and abide by, this Code of Conduct (Appendix 3).

Council's Section 355 Committees have the responsibility to ensure the following:

1. Access is available to the entire community and is not denied because of ethnicity, gender, disability or religion.
2. Priority of use should be given to non-profit making community groups and organisations.
3. That the facility not be aligned with, or advocate or advertise for or on behalf of, any political party or person/s.

#### 4.4 Pecuniary Interest

Pecuniary Interest may be defined as an interest that a committee person has in a matter, as a member or employee of a company or other body, because of a reasonable likelihood or expectation of a financial gain or loss to the person, or another person with whom the person is associated. Such other person includes the spouse or de-facto partner or relative of the committee person or is connected to a company or other body that has a pecuniary interest.

##### Disclosure of Pecuniary Interests

- a. If,
  - (i) Committee member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting; or
  - (ii) The interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at the meeting.
- b. A committee must ensure that:
  - (i) Particulars of any disclosure made under this clause are recorded; and
  - (ii) That the record is available for inspection by any person within reasonable hours.
- c. After a member of a committee has disclosed the nature of an interest in any matter, the member must not,
  - (i) Be present during any deliberation of the committee with respect to the matter; or
  - (ii) Take part in any decision of the committee with respect to that matter.
- d) For the purposes of the making of a determination by a committee under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not –
  - (i) be present during any deliberation for the purpose of making the determination.

## **5 OPERATION OF SECTION 355 COMMITTEES**

### **5.1 Appointment**

Council aims to appoint committees that are representative of the local community or interest groups for the function which the committee manages.

- To hold office and be responsible for the management of a Council facility, all Committee members must be appointed by Council.
- New committee members must also be appointed by Council, before being able to vote and take part in meetings of the Committee.
- Council may dissolve a Section 355 Committee at any time.
- The term of office for Section 355 Committees will be 2 years in line with Mayoral elections with an addition of an extra three months after the General Election of Councillors, unless as a sunset committee, i.e. with a finite time specified or as detailed in specific charters – Appendix 2.

All nominations for Section 355 Committees are formally submitted in writing to Council for appointment via resolution of Council.

### **5.2 Committee Membership**

The membership shall be determined by Council, will be conveyed to the committee and is detailed in each committee's specific charter - Appendix 2.

Whilst no particular qualifications are necessary, a commitment to the activities of the committee, and a willingness to be actively involved in committee issues, is essential.

### **5.3 Dissolution of Committee**

Council may dissolve the Committee at any time.

Committees are formally appointed by the Councillors in office, therefore, three months after the General Election of Councillors, all Community Committee members will cease to hold office.

All committee members are eligible for re-appointment. The newly elected Council may re-appoint community committee members following a general local government election or committees can either resubmit the nominations in writing to the newly elected Council; or may hold a meeting to select the proposed committee and then forward the nominations to Council for approval.

### **5.4 Vacation of Office**

The office of any member or office bearer of the Committee will become vacant in the following circumstances.

- a. upon the death of the member; or
- b. if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or make an assignment of his or her remuneration for their benefit; or
- c. if the member becomes cognitively incapacitated; or
- d. if the member resigns membership by notice in writing to the Committee; or
- e. if the member is absent for more than three consecutive meetings without leave of the Committee; or

- f. if the member ceases to be a member of the organisation which he/she represents, (representatives of organisations will be given preference) unless the committee otherwise resolves; or
- g. while serving a sentence (whether or not by way of periodic detention) for a felony or any other offence, except a sentence imposed for a failure to pay a fine.

#### **5.5 Representation on Committee**

Committee membership should reflect the community organisations which use the facility, and must be open to representatives of user groups and interested community members.

Equal representation of each user group is recommended. Council will determine disputes over representation.

Section 355 Committee members need to have a certain degree of commitment to their role as committee members. One of the advantages of community committees is that the workload can be shared between the different committee members. It is important each member understands this role and what the community expects.

#### **5.6 Committee Chairperson**

The Council elects a chairperson every two years or following each local government general election or upon the resignation of the chairman from the position.

The chairperson who has a casting vote in the event of a tied vote.

#### **5.7 Meeting Procedures**

Meetings are to be conducted to standard guidelines, which are detailed in the following section and include:

- a. that a quorum be present
- b. that appropriate notice is given
- c. that business on the agenda is properly conducted
- d. that correspondence and minutes are recorded.

##### **5.7.1 A Quorum**

This refers to the minimum number of members who must be in attendance to transact business.

Council regulations state:

- a. A quorum will consist of one half of the total number of appointed members plus one OR a total of four (4) appointed committee members, whichever is the lesser.
- b. If a quorum is not present within fifteen minutes after the appointed starting time, the meeting will be adjourned to a time fixed by the Chairperson; or those present can hold an informal meeting to discuss matters. However, any decisions taken by the committee are not recognised until a meeting has ratified them, where a quorum is present.

##### **5.7.2 Agenda**

The Agenda is an organised list of headings of all the major items, in order, that will be discussed at the meeting. A copy of the Agenda is distributed to all the committee members before the meeting.

### **5.7.3 Conduct of Business**

Each item of business is discussed in the order in which it appears on the Agenda. Allow adequate time for discussion on important issues. Ensure all relevant information on the matter under discussion is available at the meeting.

### **5.8 Voting**

Voting allows members to express their agreement or disagreement. Voting can be conducted in one of two ways.

- a. Vote verbally  
The chairperson asks people to say 'for' or 'against' and then decides which group is the largest.
- b. Vote by show of hands  
The chairperson asks people in favour of a decision to raise their hands, firstly those in favour, counts hands and announces the total, and does the same for those against.

### **5.9 Legal Issues**

From a legal perspective it is important for Committees of Council to be aware that they are in fact acting on Council's behalf. Legally, the committee is 'Council' and any actions which the Committee undertakes are Council's responsibility.

Committees sometimes believe they are responsible in their own right and that their actions are independent of Council. This is not the situation as Council delegated its authority to the Committee to act on Council's behalf and the Council can withdraw this delegation, if it deemed it to be necessary.

The Committee is also a legal entity and the delegated authority of Council was made to a particular Committee by name or title. The Committee cannot change its name without the authority of the Council, nor can a Committee merge with another party without prior notice and input from Council. Unauthorised actions by Committees could lead to insurance coverage being withdrawn or cancelled.

### **5.10 Sub Committees**

The Committee may appoint working groups to report back to the Committee. These 'sub committees' have no legal standing and must recommend back to the Committee for ratification. The activities of the sub committees must be related to the delegated function(s) of the parent Section 355 Committee, and details of the persons and activities involved must be included in correspondence supplied to Council.

Members of sub committees must be duly appointed members of the parent Committee and/or Council and will be covered in accordance with the Public Liability and Accident Insurance policies.

### **5.12 Clerical Support**

Council's General Manager will provide a member of staff to record the minutes of each meeting of a committee.

**6 RISK MANAGEMENT & WORK HEALTH & SAFETY**

**6.1** Oberon Council is committed to implementing a systematic Risk Management approach in order to control all areas of risk within the organisation.

Generic sources of risk include: business risks associated with achieving legislative compliance, Workplace health and safety risks due to the nature of the varied work environments, risks arising from natural events, technology and technical issues, management activities and controls, as well as commercial and legal relationships between Oberon Council and our clients, customers and service providers.

Section 355 committee volunteers are expected to follow Council policies and procedures.

**6.2 Insurance**

**6.3.1 Property Damage**

All Council facilities are covered for risks such as fire, theft and malicious damage. Committees should be aware of the excess applicable to these policies.

**6.3.2 Public Liability**

Council’s Public Liability Policy covers the Committee when performing activities delegated by Council. This insurance does not preclude the committee from having to exercise due diligence and all Council policies and procedures, especially in regards to Risk Management, must be adhered to.

**6.3.3 Personal Accident**

Committee members are covered if injured whilst undertaking duties relating to their role in the committee. The Volunteer Attendance Register must be completed by each volunteer for every meeting and activity they are involved in. The Volunteer Tool & Protective Equipment Register must also be completed when activities requiring the use of tools and personal protective equipment are used. (Refer to Appendix 6 for samples).

**7. INDEPENDENT ORGANISED GROUPS**

**7.1** Independent organised groups of volunteers, for example Clean Up Australia, Rotary etc., are not exempt from complying with WHS legislative requirements. Where Council or a group of Council volunteers undertake an activity in conjunction with an organised group, that group may be required to demonstrate their ability to undertake the task or activity safely by furnishing a WHS Management Plan or other form of WHS Management documentation.

Approving Authority	Oberon Council
Contact	General Manager
Approval	18 March 2025, Item xxxx, Resolution xx 18/03/2025 15 March 2022, Item 13.11, Resolution 23 150322 15 September 2020, Item 13.02, Resolution 10 150920
Revision Date	March 2027
Issue Date to Staff	March 2025

**8. APPENDIXES**

**APPENDIX 1 - OBERON COUNCIL LIST OF SECTION 355 COMMITTEES**

1. Black Springs Community Hall Committee
2. Community Services Committee
3. Hazelgrove Public School Reserve Committee
4. Heritage Committee
5. Oberon Sports Facilities Committee



## **APPENDIX 2 - SECTION355 COMMITTEE CHARTERS (DELEGATIONS AND MEMBERSHIP)**

The Section 355 Committee will be responsible for activities as determined when the committee is established. Responsibilities will be conveyed to the committee and are listed below in each committee's specific charter.

### **1. BLACK SPRINGS COMMUNITY HALL COMMITTEE CHARTER**

#### **Appointment and delegations**

Council re-appointed the Black Springs Community Hall Committee as a Section 355 Committee at its Extraordinary Meeting held on 7 November 2024.

The Committee has been delegated the following powers and responsibilities:

- a) Act as a liaison between Oberon Council and the community user groups associated with the Black Springs Community Hall, the Black Springs Tennis Courts and other community facilities in village of Black Springs.
- b) To discuss and advise Council on the development of the Black Springs Community Hall facilities, services, hire arrangements and policy.
- c) To discuss and advise Council on the development of the Black Springs Tennis Courts facilities, services and policy.
- d) To participate in Oberon Council long-range planning with regards to community facilities in Black Springs.
- e) To make recommendations to Oberon Council regarding the ongoing management of the Black Springs Hall Community Trust (Oberon Council).

#### *Note:*

- I. The Committee DOES NOT have any authority to incur any expenditure on Council's behalf other than that which is to be met from the Committee's own funds or from funds voted by Council for that purpose.
- II. The Committee is covered by the Council's Public Liability Insurance for any action taken within the ambit of the authority delegated by Council.
- III. Members of the Committee when carrying out voluntary work are covered by an accident policy take out by Council in respect of voluntary workers.

#### **Membership**

The following members were appointed to the Committee:

##### **Councillors**

Councillor Helen Hayden (Chair)

Vacant

##### **Date Appointed**

7 November 2024

#### **Community**

#### **Meeting Schedule**

The Committee meets on the first Monday of each three months or more frequently if required.

#### **Endorsement**

This charter was re-endorsed by resolution 23 150322 at Council's Ordinary Meeting, on 15 March 2022.

## **2. COMMUNITY SERVICES COMMITTEE CHARTER**

### **Appointment and Delegations**

Council re-appointed the Community Services Committee as a Section 355 Committee at its Extraordinary Meeting on 7 November 2024.

The Committee has been delegated the following powers and responsibilities:

- a) Make recommendations and advocacy between council and community groups.
- b) To include Senior and Youth activities.
- c) To discuss and advise Council on the development of non-sporting community facilities, services and policy.
- d) To participate in Oberon Council long-range planning with regards to non-sporting community facilities.

Note:

- I. The Committee DOES NOT have any authority to incur any expenditure on Council's behalf other than that which is to be met from the Committee's own funds or from funds voted by Council for that purpose.
- II. The Committee is covered by the Council's Public Liability Insurance for any action taken within the ambit of the authority delegated by Council.
- III. Members of the Committee, when carrying out voluntary work, are covered by an accident policy taken out by Council in respect of voluntary workers.

### **Membership**

This Committee membership should include a range of representatives from the community.

#### **Councillors**

Deputy Mayor Katie Graham (Chair)  
Councillor Helen Hayden

#### **Date Appointed**

7 November 2024  
7 November 2024

### **Community Delegates**

### **Meeting Schedule**

The committee meets on the second Thursday of the month every two months, or on an as needs basis as determined by the General Manager or by resolution of Council.

### **Endorsement**

This charter was re-endorsed by resolution 23 150322 at Council's Ordinary Meeting on 15 March 2022.

## **2. HAZELGROVE PUBLIC SCHOOL RESERVE COMMITTEE CHARTER**

### **Appointment and delegations**

Council re-appointed the Committee as a Section 355 Committee at its Extraordinary Meeting held on 7 November 2024.

The Committee has been delegated the following powers and responsibilities;

- a) Control and regulate the use of the ground.
- b) Recommend to Council any improvement works required at the ground.
- c) Arrange the repair and maintenance of the Reserve, either by voluntary labour or otherwise.
- d) Recommend to Council any charges to be set for the use of the ground.
- e) Collect any charges and fees fixed by Council for the use of the ground and retain those moneys for the purpose of the Committee.

### **Note**

- I. The Committee DOES NOT have any authority to incur any expenditure on Council's behalf other than that which is to be met from the Committee's own funds or from funds voted by Council for that purpose.
- II. The Committee is covered by the Council's Public Liability Insurance for any action taken within the ambit of the authority delegated by Council.
- III. Members of the Committee when carrying out voluntary work on the Reserve are covered by an accident policy taken out by Council in respect of voluntary workers.

### **Membership**

The following members were appointed to the committee;

#### **Councillors**

Councillor Helen Hayden (Chair)

#### **Date Appointed**

7 November 2024

### **Community**

### **Meeting Schedule**

Committee meetings shall be on an as needs basis as determined by the General Manager or by resolution of Council.

### **Endorsement**

This charter was re-endorsed by resolution 23 150322 at Council's Ordinary Meeting, 15 March 2022.

### 3. HERITAGE COMMITTEE CHARTER

#### Appointment and delegations

Council re-appointed the Heritage Committee as a Section 355 Committee at its Extraordinary Meeting held on 7 November 2024.

The Committee has been delegated the following powers and responsibilities;

- a) To assess and introduce policies in relation to heritage listed properties
- b) To report and recommend to Council all matters affecting Heritage
- c) To advise Council on matters affecting future Heritage activities disbursements

Note

- I. The Committee DOES NOT have any authority to incur any expenditure on Council's behalf other than that which is to be met from the Committee's own funds or from funds voted by Council for that purpose.
- II. The Committee is covered by the Council's Public Liability Insurance for any action taken within the ambit of the authority delegated by Council.
- III. Members of the Committee when carrying out voluntary work on the Reserve are covered by an accident policy take out by Council in respect of voluntary workers.

#### Membership

The following members were appointed to the committee;

##### Councillors

Clr Lauren Trembath (Chair)

Clr Helen Hayden (alternate delegate)

##### Date Appointed

7 November 2024

7 November 2024

##### Community

Ken Snowden (National Trust Rep)

Oberon Tarana Heritage Rail Representative

15 March 2022

21 June 2022

This Committee is also assisted by a Heritage Advisor, Christo Aitken.

#### Meeting Schedule

Meetings shall be held every quarter on the fourth Monday of the month or on an as needs basis as determined by the General Manager or by resolution of Council.

#### Endorsement

This charter was re-endorsed by resolution 23 150322 at Council's Ordinary Meeting held on 15 March 2022.

#### 4. OBERON SPORTS FACILITIES COMMITTEE CHARTER

##### Appointment and delegations

Council reappointed the Oberon Sports Facilities Committee as a Section 355 Committee at its Extraordinary Meeting on 7 November 2024.

The Committee has been delegated the following powers and responsibilities;

- a) To provide ongoing management of the sporting facilities in Oberon.
- b) To report and advise Council on all matters affecting the facilities at the Oberon Sports Complex.

Note:

- IV. The Committee DOES NOT have any authority to incur any expenditure on Council's behalf other than that which is to be met from the Committee's own funds or from funds voted by Council for that purpose.
- V. The Committee is covered by the Council's Public Liability Insurance for any action taken within the ambit of the authority delegated by Council.
- VI. Members of the Committee when carrying out voluntary work are covered by an accident policy take out by Council in respect of voluntary workers.

##### Membership

The following members were appointed to the committee;

##### Councillors

Deputy Mayor Katie Graham (Chair)  
Clr Tony Alevras  
Clr Clive McCarthy  
Clr Frank O'Connor

##### Date Appointed

7 November 2024  
7 November 2024  
7 November 2024  
7 November 2024

##### Community

##### Meeting Schedule

Committee meetings shall be held every quarter, on the third Wednesday of the month or on an as needs basis, as determined by the General Manager or by resolution of Council.

##### Endorsement

This charter was re-endorsed by resolution 23 150322 at Council's Ordinary Meeting, held on 15 March 2022.

**APPENDIX 3 - OBERON COUNCIL CODE OF CONDUCT POLICY 1102**

*(separate document – see Oberon Council's website for the latest version of the Code of Conduct)*

## APPENDIX 4 - COMMITTEE & MEETING PROCEDURE GUIDELINES

### CODE OF MEETING PRACTICE

Section 355 Committee Meetings are run in accordance with Council's adopted Code of Meeting Practice.

*(separate document – see Oberon Council's website for the latest version of the Code of Meeting Practice)*

### CHAIRPERSON'S DUTIES AND RESPONSIBILITIES

The Chairperson is crucial to the success of a meeting. Many skills required are common to the chairing of any meeting. The impartiality of the chairperson is essential to his/her continued authority. He or she should:

1. Prepare for the meeting by studying the agenda and accompanying papers and deciding which would be the most effective way of dealing with the issues, personalities and identifying any potential problems that may arise.
  - Open the meeting and follow the agenda, using the “**GISSA Steps Process**”, adhering to the “**Constitution**”, “**Code of Meeting Practice**” and keeping the discussion to the point. The focus should be on developing solution – not just expressing feelings.
  - The “**GISSA Step**” process will be used to deal with all agenda items.  
**Goals** – set them; **Ideas** – hear all views; **Solutions** – get solutions;  
**Selection** – agree on solutions; **Action** – develop action plan.
2. Encourage all members of the Committee to express their view point by establishing a non threatening environment. **Fact** rather than **fantasy or opinion** is to be sought.
3. Protect the meeting from personal domination and individuals and their ideas from personal attack.
4. Close the meeting taking the following actions:
  - Announce the agreed date, time and place of the next meeting.
  - Thank the Committee members for their participation.
5. Act as a Committee Spokesperson.

## **COMMITTEE MEMBERS' DUTIES AND RESPONSIBILITIES**

The active participation of **all** members of a Committee is critical to its success and the overall effectiveness of Council. All members of the Committee should:

1. Understand and be familiar with the Committee's Charter, Code of Meeting Practice and carry out their responsibilities in accordance with charter of the committee.
2. Attend meetings and be present a few minutes before the time stated in the agenda.
3. Forward apologies to the Chairperson or Council staff if unable to attend the meeting.
4. Come to the meeting prepared, having read the minutes of the previous meeting.
5. Study the agenda before hand and be prepared to make constructive contributions on matters affecting you and/or those you represent.
6. Represent the views and opinions of your community and not just your own. For this it will be necessary to communicate with your community and ascertain their views/ideas and feelings on the relevant issues to be discussed at the Committee meeting.
7. Speak on the basis of facts presented and not on pre-conceived ideas, bias or fantasy.
8. Submit relevant agenda items on behalf of community members.
9. Make a positive contribution to and assist the Chairperson in controlling the meeting.
10. Provide explanations to the community of items recorded in the minutes and seek their views. This may not always be easy, especially if the community members perceive that they have been let down/betrayed by you/the system.
11. Positively support the decisions of the Committee even though you may not agree with them 100% or they are not what some members of the community wanted.
12. Become actively involved in the activities of the Sub-Committees and project teams.



### **FORMAT FOR GOOD MINUTES**

1. Keep them short, clear and concise, and consistent.
2. Set them out – not too cramped, use headings, and underlining so the subjects, decisions and actions to be taken (and by whom) stand out and are easy to read. Use the Agenda as a basis for the format of minutes.
3. Don't try to record every statement made at the meeting. The minutes are a record of the decisions made – each decision or resolution must be accurately recorded.
4. It is the Chairperson's responsibility to see the minutes are unaltered after adoption and are signed as an accurate record.
5. You can record the names of the mover and seconders of each motion or amendment. Record the numbers for and against if specifically requested by those present.
6. List correspondence, business arising and items for general business by number. Organise all your papers in this order and try and see that the agenda follows this order. Shuffling reams of paper, lost items and trying to take minutes while finding the next item is a hassle. Decisions can also be noted on the business papers and then transferred to the minutes later.
7. If minute taking is a shared or revolving duty, allow each person to perfect their skills by taking minutes for at least 3-4 consecutive meetings.
8. Draft minutes can be viewed with the chairperson. Two heads are better than one to remember events.
9. Remember, minutes should communicate and assist evaluation. They ensure accountability and are a permanent record of the group's activities.
10. Send them out as soon as possible after the meeting, so that follow-up action is more easily taken.
11. Include a record of the place, date and time of the next meeting.

## **APPENDIX 5 - APPLICATION TO WORK WITH COUNCIL AS A VOLUNTEER**

### **Explanation of Purpose of Volunteer Applicant Form**

The purpose of this form is to protect both the interests of Council and of its volunteer workers. It has been prepared in accordance with advice received from Council's insurance broker.

Completion of the form indicates that the person is undertaking work for Council purposes. It will ensure that the volunteer receives any training necessary to complete the work and is informed of required safety equipment, in accordance with Workplace Health & Safety and SafeWork NSW requirements. It will also protect the volunteer in the event that his or her activities lead to any insurance claim. Completion of the form also protects the Council as it ensures the Council is aware of the nature of the work the volunteer is undertaking and specifies the protective equipment required to be worn by the volunteer.

The employee signing the form on behalf of the Council should ensure that protective clothing (e.g. hat, sunscreen, safety vest, etc), and tools specified are in accordance with SafeWork NSW requirements, and that the volunteer receives any training required to undertake the work. The tools, equipment and personal protective equipment to be used must be entered onto the Volunteer Tool & Protective Equipment Register.

## Applicant details

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Note: if applicant is under the age of 18 a parent or guardian must co-sign this application and must be supervised at all times by a responsible adult.

Close relative to be contacted in case of emergency:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Type of volunteer work application is made for:

\_\_\_\_\_

Skills held in relation to this task.

\_\_\_\_\_

Referees (please provide the name and phone number of two referees if applicable for the volunteering activity)

\_\_\_\_\_

## Work details

**(To be completed by Council employee in charge of work area)**

Location of work:

\_\_\_\_\_

Type of work:

\_\_\_\_\_

Proposed work duration:

\_\_\_\_\_

Training required:

\_\_\_\_\_

Tools and protective equipment required for work:

\_\_\_\_\_

\_\_\_\_\_

**Applicant Declaration**

- I understand that volunteering with Council is a privilege and not a right.
- I agree to referees being contacted in relation to this application to provide voluntary services to Council.
- I agree to work under the guidance of the Council employee responsible for the area of work for which I have applied.
- I agree to use the tools and protective equipment specified in this application.
- I agree to contact the Council employee designated above if I intend to vary the nature of work specified in this application, or if I experience any problems with the work I am undertaking.
- I understand that Council will terminate my volunteering services if I do not comply with any aspect of this agreement.
- I understand that all claims for any medical costs incurred as a result of my volunteering activities will be made upon my own medical fund.
- I am willing to undertake any training deemed necessary by Council in relation to my volunteering services to ensure that I comply with all policies and legislative obligations of Council.
- I understand that as a volunteer I am expected to maintain the same standards of confidentiality, courtesy and organisational discipline as Council's paid employees.
- I agree to work in a constructive and cooperative way with Council staff.
- I agree to undertake appropriate police checks for specific areas if required.

Signed: \_\_\_\_\_

Date: ...../...../.....



*Office Use Only*

Protective tools & equipment to be provided by Council:

\_\_\_\_\_

The applicant is approved for the work specified in the form.

Signed: \_\_\_\_\_

Date: ...../...../.....

Manager or Director in charge of work area

Signed copy of form to be returned to applicant and placed on file.

Signed: \_\_\_\_\_

Date: ...../...../.....

*The personal information provided in this document is protected under the Government Information (Public Access) Act 2009 (GIPA Act).*

*The Oberon Council must not disclose your personal information to any person or body if it is not directly related to the purpose for which the information was collected. If you have a complaint, or require further information about the collection and use of personal information, please contact Council's privacy officer.*

**APPENDIX 6 – RISK ASSESSMENT**

<b>Workgroup:</b>	
<b>Division / Area:</b>	
<b>Task Description:</b>	
<b>Date:</b>	
<b>Version:</b>	

**Background**

**Purpose**

The purpose of this register is to identify, assess and control the operational hazards and risks posed to the operation of and relevant tasks and duties undertaken by the workgroup.

**Scope of Risk Assessment**

This document details the organisation of the volunteer activity including:

1. Induction
2. Training/Safe Work Method Statement (SWMS)
3. Tools and Equipment
4. Safety
5. Chemicals and storage
6. Emergency evacuation

**Methodology**

Consultation with:	
Observation by:	
Reviewed by:	

**Relevant Documents**

Hazardous Substances Chemicals	Standard Operating Procedures - eg:	Safe Work Method Statements - eg:	Manufacturer Safety Guidelines	Traffic Control Plan

**Competency Requirements for Workgroup**

Position	Competencies Required

**Plant, Machinery, Equipment Used**

Type of Plant / Machinery / Equipment	Licenses, Permits, Competency, Training	Daily plant Inspection Report Required	Prestart Checks Required – Visual/ Documented	Maintenance Requirements

**Major Hazards and Risks Identified**

1. Manual Handling
2. Exposure to hazardous substances – Chemical
3. Slips trips falls – uneven / unstable ground
4. Unauthorised access – to site, buildings, plant and vehicles
5. Theft

Risk Assessment Matrix							
Severity		Fatality	Disability	Long Term Illness	Short Term Illness	First aid treatment	Insignificant
Likelihood	Almost Certain	7	7	6	6	5	4
	Very Likely	7	7	6	5	4	3
	Likely	7	6	5	4	3	2
	Unlikely	6	5	4	3	2	2
	Very Unlikely	5	4	3	2	2	1
	Very Rare	4	3	2	2	1	1

**Operational WHS Hazard and Risk Register**

Task / Activity	Hazard/ Source of Hazard / Risk	Initial Risk Rating (7= highest, 1 =lowest)	Control Measures	Residual Risk Rating (7= highest, 1 =lowest)



**RISK ASSESSMENT GUIDANCE NOTE**

Identify	Assess	Control	Checklist
<ul style="list-style-type: none"> <li>• Identify the hazards or risks of the work, activities or tasks involved.</li> <li>• Consider the tasks or activities you or others are to perform and their situations.</li> <li>• Identify the hazards that are, or may be involved.</li> <li>• Identify those persons who may be exposed to the hazards, including those particularly at risk.</li> </ul>	<ul style="list-style-type: none"> <li>• What are the consequences? Fatality, Disability, Long Term Illness, Short Term Illness, First Aid Treatment, Insignificant</li> <li>• What is the likelihood of it happening? Almost Certain, Very Likely, Likely, Unlikely, Very Unlikely, Very Rare</li> </ul>	<ul style="list-style-type: none"> <li>• Remove/totally replace/substitute</li> <li>• Isolate/separate by guard, etc</li> <li>• Redesign/engineer out</li> <li>• Administrate/organise work to reduce exposure</li> <li>• Personal Protective Equipment</li> </ul>	<ul style="list-style-type: none"> <li>• Access and Egress                             <ul style="list-style-type: none"> <li>○ Doorways are in good condition</li> <li>○ Access and egress is unhindered</li> <li>○ Floors, stairs and passageways</li> </ul> </li> <li>• Furniture and Fittings                             <ul style="list-style-type: none"> <li>○ Chairs and desks are suited to tasks and users</li> </ul> </li> <li>• Lighting                             <ul style="list-style-type: none"> <li>○ Adequate lighting for each task</li> <li>○ Good natural lighting</li> <li>○ Glare is minimised</li> </ul> </li> <li>• Electrical                             <ul style="list-style-type: none"> <li>○ No broken plugs, sockets or switches</li> <li>○ No frayed or damaged leads</li> <li>○ Safety Switches are fitted</li> <li>○ Equipment tested &amp; Tagged</li> </ul> </li> <li>• Ventilation                             <ul style="list-style-type: none"> <li>○ Air flow is suited to the purpose</li> </ul> </li> <li>• Hazardous Substances                             <ul style="list-style-type: none"> <li>○ MSDS for all chemicals</li> <li>○ Containers clearly labelled</li> <li>○ Special storage conditions complied with</li> <li>○ All users trained</li> <li>○ Adequate ventilation</li> </ul> </li> </ul>
			<ul style="list-style-type: none"> <li>• Rubbish Disposal</li> <li>• Manual Handling</li> <li>• Sun Safety</li> <li>• Height Safety</li> <li>• First Aid</li> <li>• Fire &amp; Emergency Evacuation</li> </ul>

**APPENDIX 7 – VOLUNTEER ATTENDANCE REGISTER**

VOLUNTEER ATTENDANCE REGISTER					
Volunteers Name	Volunteers Signature	Contact Details	Location & Activity	Date/Time On	Date/Time Off

**13.3 Development Application DA2024.075 – CARPORT – 13 GLYNDWR AVE OBERON**

File No: PO25-13

Author: Kirsty Hanrahan (Building Surveyor), Damian O'Shannassy (Planning and Development Director)

**Summary**

Council is in receipt of a Development Application (DA2024.075) at 13 Glyndwr Avenue, Oberon (Lot 30 DP 732959) for a Carport. The subject site is zoned R1 General Residential under the Oberon Local Environmental Plan 2013 and contains an existing dwelling and three (3) existing sheds in the rear of the yard.

The proposed carport is a non-habitable structure, The purpose of the carport is to offer protection to a caravan from the weather elements, easily accessibility and additional storage space.

The setback from the neighbouring lots is 6.9m and 7.7m to the North & South respectively and the rear setback is 2.2m.

**Key Issue**

The proposed carport has an area of 87m<sup>2</sup>, exceeding the 60m<sup>2</sup> requirement within the Oberon Development Control Plan 2001, Section C.6.4. The total area of all existing sheds on site is 131.91m<sup>2</sup>. The additional carport therefore results in a total of 218.91m<sup>2</sup>.

The proposed carport is adjacent to an existing 76.8m<sup>2</sup> shed that Council granted consent to on 19 July 2022, a variation to clause C6.4 of the Oberon Development Control Plan 2001 to permit this shed. The proposed carport requires a further variation to clause C6.4.

The Development Application was neighbour notified, with no submissions received.

As outlined in this report, the proposal is considered acceptable despite the DCP variation.

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**Recommendation:**

That:

1. Council vary Part C6.4 – “Carports and Garages” of its current DCP 2001 in relation to Development Application DA2024.075 for a carport at Lot 30 in DP 732959 being known as 13 Glyndwr Avenue, Oberon.
2. A division be called in accordance with Section 375A of the Local Government Act 1993.

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**List of Attachments**

Nil

**LOCATION OF THE PROPOSAL**

The proposal is located at 13 Glyndwr Avenue, Oberon, being Lot 30 DP 732959. The proposed carport is to be situated 6.9m from the northern boundary, 7.7m from the southern boundary, and 2.2m from the western boundary. The setback from the existing dwelling is approx. 18.3m.



## VARIATION TO DEVELOPMENT CONTROL PLAN

### C.6.4 Carports & Garages

Part C6.4 - "Garages and Carports" states as follows:

*Council may issue a development consent for a garage or carport such that it does not comply with the building height plane in relation to a boundary, having regard to the matters contained in Clause C.5.8 and to the adequacy and safety of vehicular access.*

*Car parking structures, including garages and carports that are visible from the street shall be integrated with the dwelling in terms of design and materials and where possible, form part of the dwelling structure. Fibrous cement, fibreglass, plastic, imitation masonry and steel cladding to garages or carports should generally not be used.*

*The maximum total floor of garages and/or carports is to be 60m<sup>2</sup>.*

The proposed carport has an area of 87m<sup>2</sup> which exceeds the 60m<sup>2</sup> maximum area for carports and garages by 45%. The site also contains a double garage, large and small shed, as depicted on the site plan, with a total area of 131.91m<sup>2</sup>. The applicant will use this area for protection to a caravan or the like from the weather elements.

Council has previously granted a variation to Clause C6.4 of the DCP in relation to the double garage referred to above.

The applicant has requested a variation on the following grounds:

- *Proposed carport will have nil overshadowing to the neighbouring properties as the set back is 2.2m, carport is screened by other sheds on the site.*
- *Due to the structure being on the rear of the property it will not negatively impact neighbouring properties.*

- To move the caravan/trailers from the front of the property to the rear. To be stored so it doesn't impact streetscape.

The increased area is justified based on the minimal impact the carport will have on neighbouring lots, and:

- The carport is not a habitable structure.
- The structure is setback from the street and located at the rear of the property.
- The proposed structure is otherwise compliant with other DCP requirements.
- The new roof area will be drained to a water tank with overflow pumped into Council's drainage system as per the existing system on site.
- Combined with the existing dwelling and sheds, the additional carport results in a total site coverage of 294m<sup>2</sup>. With a site area of 1214m<sup>2</sup>, the total site coverage is 0.325:1. This remains less than maximum density control for single dwellings in clause C6.3 of the Oberon DCP of 0.4:1.

The variation is considered worthy of approval in this instance.

### NEIGHBOUR NOTIFICATION

The application has been neighbour notified with no submissions received.

### OTHER MATTERS

The proposed carport is located as per the following:

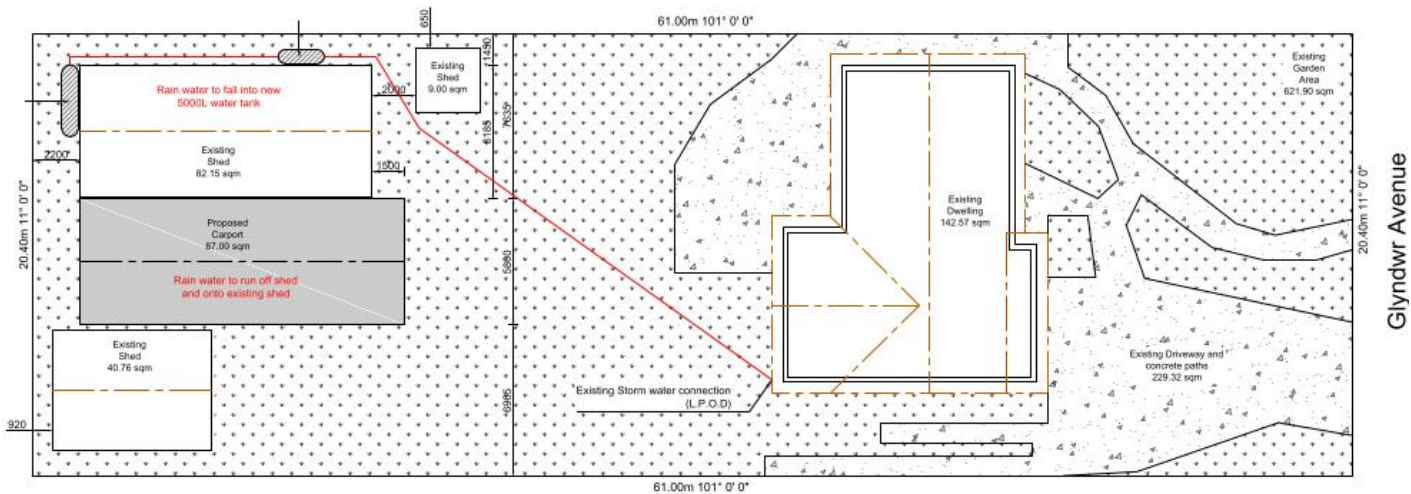


Image 1: Site Plan: 13 Glyndwr Avenue, Oberon

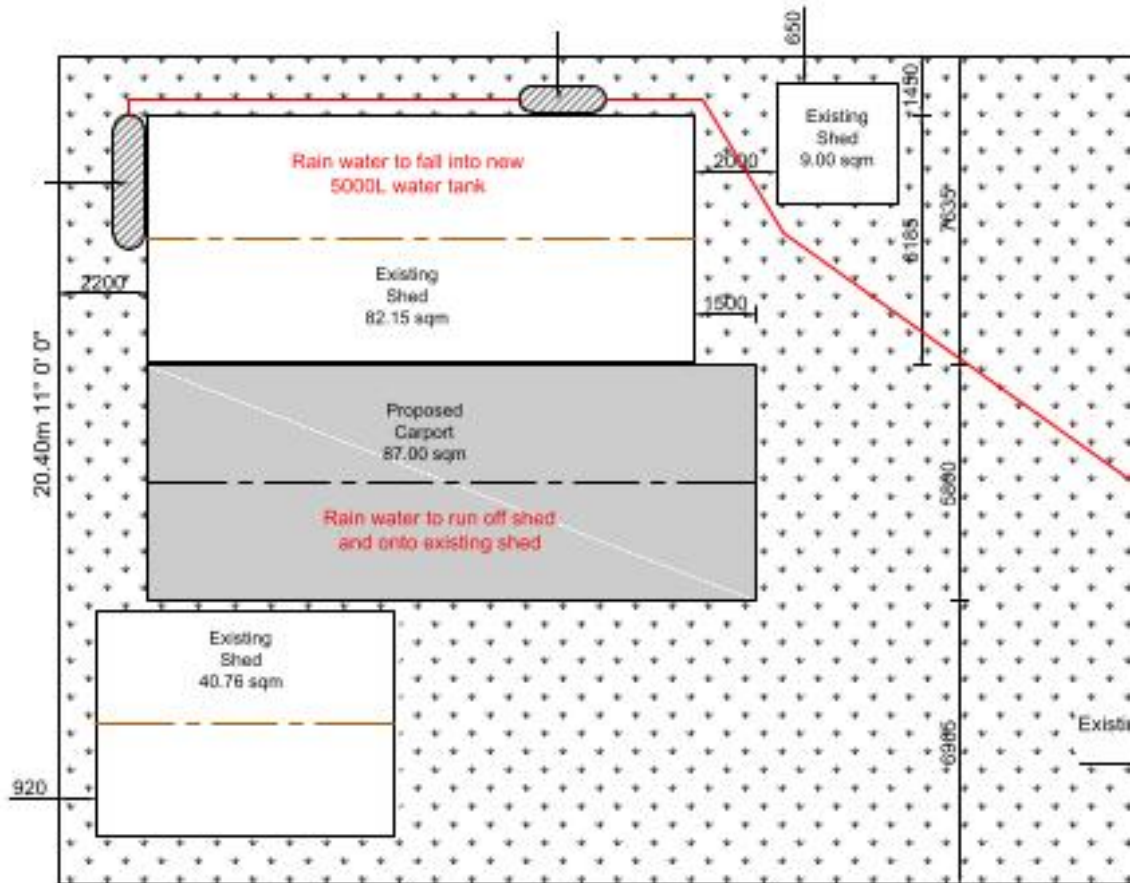


Image 2: Part Site Plan: 13 Glyndwr Avenue, Oberon.



Image 3: photo shows the proposed location of the carport

**Relevance to Oberon Community Strategic Plan**

**Theme 3: Caring for the Environment**

*Action 3.1 Protect and manage local air quality, waterways, rivers and streams*

3.1.2 Ensure compliance with environmental legislation

**Theme 4: Infrastructure and Services**

*Action 4.4 Plan for infrastructure and land use needs ready for future growth*

4.4.3 Development assessment and building approval services

**Risk Category**

Environment

Public Image and Reputation

**Risk Severity Ranking**

Insignificant - 20%

**13.4 DEVELOPMENT APPLICATION 10.2023.30.1 - Recreation Facility (Outdoor - Motorcycle Facility), and Accommodation**

File No: DA 10.2023.30.1

Author: Bennett Kennedy (Senior Town Planner), Damian O'Shannassy (Planning and Development Director)

**Summary**

Council is in receipt of a Development Application 10.2023.30.1 (PAN-328425) for the use of 3117 Arkstone Road, Jeremy for the purpose of a Recreation Facility (Outdoor) and Accommodation.

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**Recommendation:**

That Council:

1. Approve Development Application 10.2023.30.1 at Lot 95 DP 753036 known as 3117 Arkstone Road, Jeremy for the purpose of a Recreation Facility (Outdoor) and Ancillary Accommodation.
  2. That a division be called in accordance with Section 375A of the Local Government Act 1993.
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**List of Attachments**

1. Assessment Report 10 2023 30 1 3117 Arkstone Road [**13.4.1** - 24 pages]
2. Draft Conditions of Consent 10.2023 30 1 3117 Arkstone Road [**13.4.2** - 13 pages]
3. Statement of Environmental Effects - 3117 Arkstone Road, Isabella V 6 [**13.4.3** - 34 pages]
4. 3117 Arkstone Road Isabella Traffic Impact Statement [**13.4.4** - 2 pages]

**Background**

The subject application was previously considered at Council's Ordinary meeting of 18 February 2025 at which Council resolved as follows:

*Moved: Clr Trembath*

*Second: Clr O'Connor*

*That Council defer the decision on DA 10.2023.30.1 and request a further report on the Draft Conditions be brought back to the March Council Meeting to address concerns regarding access and signage via Arkstone Road and Section 7.11 contributions applicable to the site.*

**Carried** - Resolution No: {resolution-number} - 18/02/2025

**Division**

*Votes for: Clr McKibbin, Clr Graham, Clr O'Connor, Clr Trembath and Clr Tucker*

*Votes against: Clr Alevras, Clr Hayden and Clr McCarthy*

The subject application was deferred to allow further consideration of aspects relating to 7.11 Contributions, Access and Signage.

**Comment**

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The application was originally lodged on 23 May 2023. The development is local development under Oberon Local Environmental Plan (OLEP) 2013 and Council is the consent authority for the application. Because there are no specific development controls for Recreation Facility (Outdoor) Motorcycle Tracks in the RU1 Primary Production zone and the proposed accommodation are ancillary to the dominant use, the subject application will be a merit-based assessment.

Initial Notification was done 5 July 2023 – 21 July 2023 Two (2) submissions were received.

After additional information was provided further notification was undertaken between 7-31 January 2025 to those who made the original submission. These objectors reiterated their objection. These are discussed in more detail later in this assessment report.

## 1. Location of the Proposal

The subject site is located at 3117 Arkstone Road, Jeremy formally known as Lot 95 DP 753036. It has an area of 643.8 Hectares in size and is an irregular rectangle in shape. The orientation of the site is generally east west however the entrance is identified approximately 2kms further along Arkstone Road entrance.

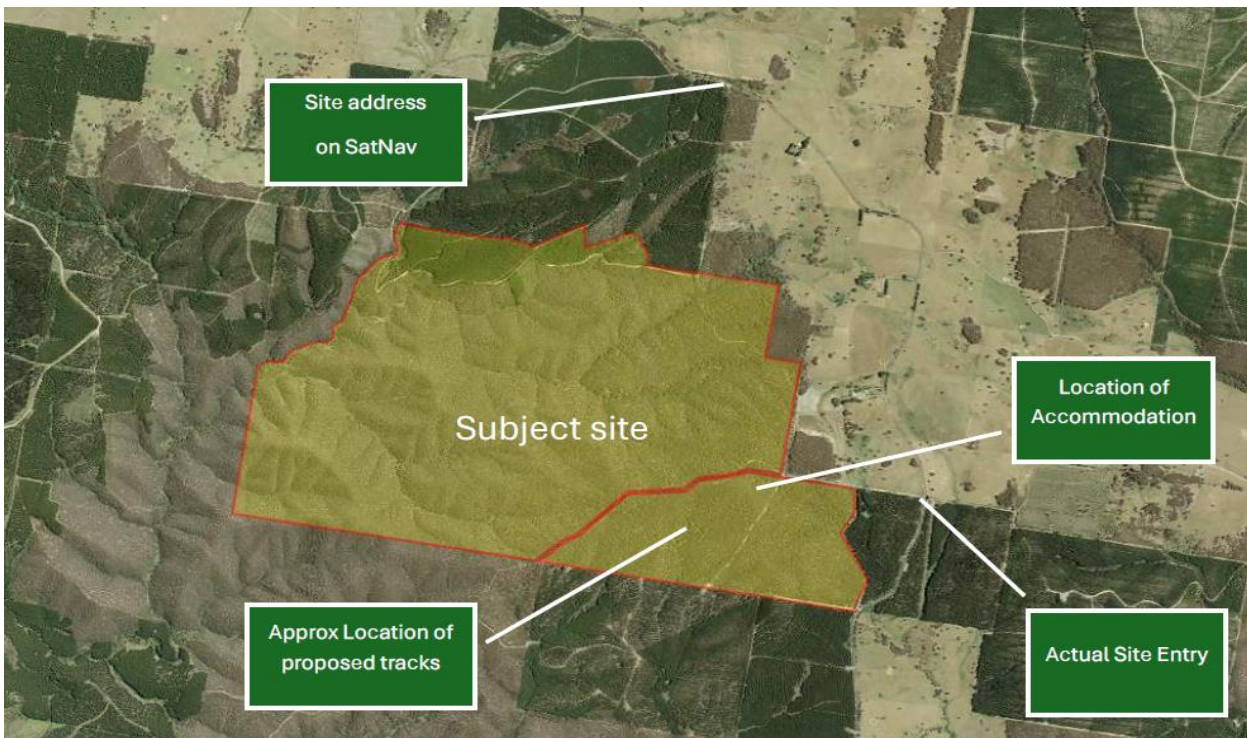


Figure 1 Subject site

## Background

The application contends that the motorbike trails were constructed on the land by the previous owner and maintained by the current landowner. They have been used for the last seven (7) years by the owner and their friends and family for private recreation. It is now intended to integrate the current activities on the land from rural to include commercial use. This requires development consent for the purposes as defined as a **Recreation Facility (Outdoor)**.

## 2. Proposed Development

The proposed development is generally defined as a Recreation Facility (Outdoor), but the specific use is a motorcycle facility that will accommodate up to 30 riders at a time in an area of approximately 62 Hectares. Visitor Accommodation will be provided as ancillary to the dominant use being the

motorcycle facility. The relationship between dominant and ancillary use means that if the dominant use ceases, the ancillary use must also cease.

A site meeting was held at the subject site on 3 December 2024 in the area on the site where the proposed accommodation cabins would be located. This was attended by the applicant, owner, staff and 6 Councillors.

### **3. Referrals**

#### **Technical Services**

The application was referred to Technical Services on 3<sup>rd</sup> December 2024 for their comments regarding sightlines at the entrance and exit to the property.

On 9 December 2024 Technical Services advised that the following be included as a condition of consent.

*“That the applicant engage a suitably qualified traffic engineer to determine the appropriate sight distance in accordance with the AUSTROAD standard for the proposed entry/exit. If appropriate sight distance cannot be obtained that a new entry/exit be provided that satisfies the required standard.”*

Following Council’s consideration of the application on 18<sup>th</sup> February 2025 the application was deferred for further advice from the applicant’s engineers. Bitzios Consulting advised on 7 March that *ample sight lines are available from the proposed access in accordance with the requirements of Council’s Development Control Plan and Australian Standard AS2890.1.*

The comments were referred to Council’s Road Operations Manager who confirmed that *The advice provided confirms that adequate sight distance is available.*

The advice provided by Bitzios has been included in condition 1 of the consent for future reference.

#### **Rural Fire Service (RFS)**

The application was referred to the RFS as a Special Fire Protection Purpose (SFPP). The response from the RFS included conditions that should be included in a Notice of Determination. These have been included in the attached Draft Notice of Determination.

### **4. Legislative Context**

The proposed development is defined as a Recreation Facility (Outdoor) including Accommodation. The proposed development is permissible with consent in the RU1 Primary Production zone under Oberon Local Environmental Plan 2013.

### **5. Assessment**

The subject site has an area of 643.8 Hectares and contains some significant ecological areas. As advised by the owner and applicant the site has been used for recreational motorcycling for the past seven years (7) years and earlier to their knowledge. Notwithstanding these areas, the proposed commercial use of the site as a Recreation Facility (Outdoor) motorcycle facility and accommodation are proposed to be restricted to 60 Hectares of the site.

The subject application has provided a revised Statement of Environmental Effects (SoEE – including Operational Management Plan) dated 3 February 2025, a Site Ecological Statement (SES) and Noise Impact Assessment in support of the application.

The SoEE concludes that subject to general safeguards (see conditions attached to this report) the proposed use could operate with minimal impact on the Flora, fauna and ecology of the site.

## **Noise**

The noise impact assessment prepared by Acoustik concludes the following.

*The noise level emissions from the motor bike riding activity are predicted. The proposed development site tracks are remotely located and 1 km from the closest affected residence. The predicted 15-minute average noise levels are below the trigger levels nominated by the NSW EPA Noise Policy for Industry.*

*The noise levels generated by the bike riding activity will not be a persistent activity throughout the whole day as riders will take breaks between riding sessions.*

Notwithstanding the conclusions of these reports, the additional information provided (including Bushfire Assessment Reports) was then renotified with the closing date for submissions being 31 January 2025. Within the renotification period a further 2 submissions (both from those parties who originally objected) objecting to the development.

The application was also referred to Crown Lands for comment regarding the use of a Crown Road and a response was received as follows "*Crown Lands as adjoining landowner has reviewed the development application in accordance with the principles of Crown land management (s.1.4 Crown Lands Management Act 2016), and offers no objection to the proposed development as no significant impact to Crown land has been identified*"

The proposed use as a *Recreation Facility (Outdoor)* is permissible with consent in the zone and can achieve the objectives of the zone. The use of the land for Tourist and Visitor Accommodation (in the form of Moveable Dwellings) is permissible as ancillary development. The use of the land for these purposes, including the ancillary use of the land, can be subject to recommended conditions of consent and these can mitigate impacts of the proposed development. The views of surrounding landowners who made a submission should also be taken into consideration.

## **6. Conclusion**

The applicant has revised the Statement of Environmental Effects up until 3 February 2025 with additional information requested to support the application. This has included a Site Ecological Assessment (SES) and a Noise Impact Assessment. The Additional Information provided has been formally re-exhibited to provide an opportunity for previous submissions to be reconsidered.

The conclusion of the assessment indicates that the development can be supported subject to appropriate conditions that would ameliorate impacts of the development. Appropriate conditions of consent are proposed to be incorporated into the approval to control the development.

## **Financial Implications**

There are no financial implications for Council.

## **Relevance to Oberon Community Strategic Plan**

### **Theme 4: Infrastructure and Services**

*Action 4.4 Plan for infrastructure and land use needs ready for future growth*

4.4.3 Development assessment and building approval services

## **Risk Category**

Governance

## **Risk Severity Ranking**

Minor - 32%

## DEVELOPMENT ASSESSMENT REPORT

**Description:** Recreation Facility (Outdoor) Motorcycle Track and Accommodation  
**Address:** 3117 Arkstone Road Jeremy  
**Lot:** Lot 95 DP 753036  
**DA:** 10.2023.30.1 PAN-328425  
**Applicant:** Navigate Planning  
**Owners:** Corey DeMarco  
**DP restrictions:** Nil

**Previous consents:** Approval for three (3) non-habitable Shipping Containers (10.2017.26.1).  
 No approval for a dwelling on the subject site.

### DEVELOPMENT DETAILS

<b>Zone</b>	RU1
<b>Allotment Size</b>	643.8 Hectares
<b>Building Footprint</b>	1000 sqm (total)
<b>Site Coverage</b>	Approx. 62 Hectares
<b>Parking</b>	Dedicated parking area for light vehicles and motorcycles
<b>Topography</b>	Undulating
<b>Subdivision Lot Sizes</b>	100 Ha

### SITE INSPECTION NOTES:

Date of inspections: 25 June 2024, 29 August 2024, 3 December 2024, 4 November 2025

<b>Bushfire Prone:</b>	Yes – Bushfire report attached	<b>Mains power supplied:</b>	No
<b>Industrial Buffer:</b>	No	<b>Cut and fill:</b>	No details provided. Less than 600 mm Any greater requires engineering details
<b>Driveway access:</b>	Approval required by Tech Services	<b>Referrals required:</b>	Dev Eng comments provided 9 December 2024
<b>Snow load:</b>	Required for accommodation units	<b>Existing improvements</b>	Existing motorbike tracks designated parking area and shedding.
<b>Connection to sewer and stormwater</b>	N/A	<b>Indicative wind load:</b>	To be determined

### 1. PROPOSAL

The proposed development is generally defined as a Recreation Facility (Outdoor), but the actual use is a motorcycle facility that will accommodate up to 30 riders at a time. Visitor Accommodation will be provided as ancillary to the dominant use being the motorcycle facility.

### 2. SUMMARY

The application was lodged with Council 23 May 2024. The development is local development under Oberon Local Environmental Plan (OLEP) 2013 and Council is the consent authority for

the application. Because there are no specific development controls for Recreation Facility (Outdoor) Motorcycle Tracks in the RU1 Primary Production zone and the proposed accommodation are ancillary to the dominant use, the subject application will be a merit-based assessment. This means that greater emphasis will be placed on the reports submitted with the application, submissions and professional expertise.

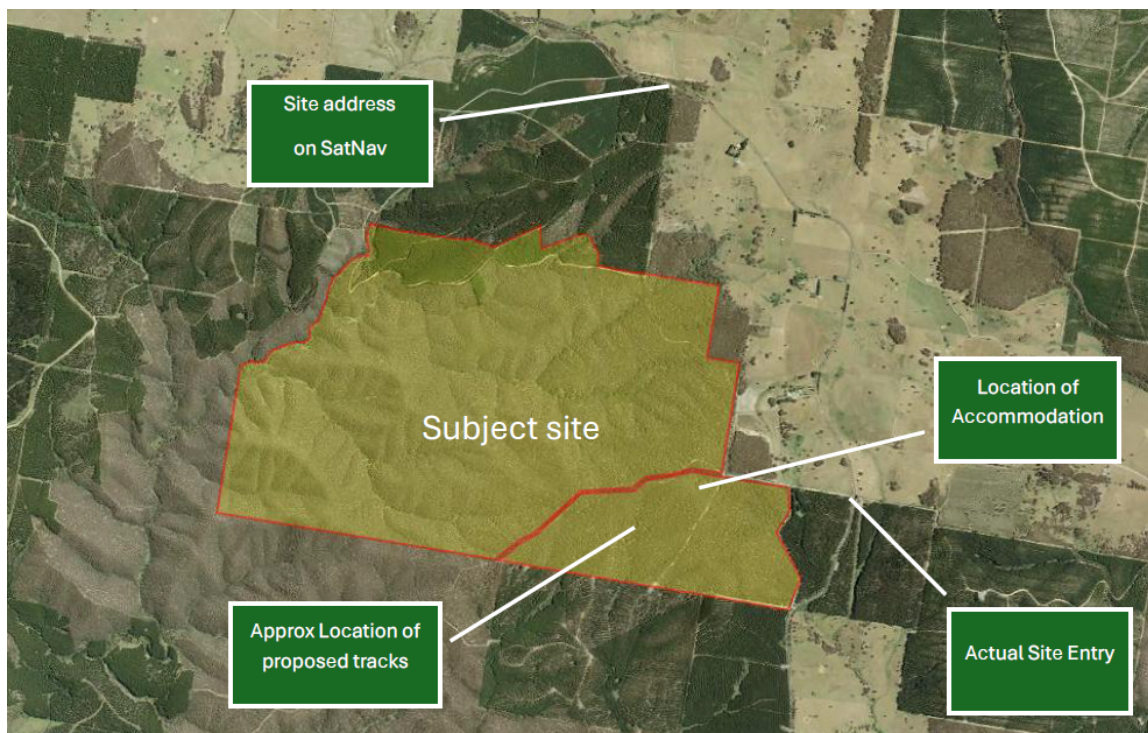
Two submissions have been lodged over two periods of notification and these are discussed later in the report.

Without prejudice, draft Conditions of Consent are attached in the event that Council resolves to approve the application.

Originally, the application provided for a large shed to be assessed as part of this development however this has been removed from the current development and will not be considered as part of this application.

### 3. LOCATION OF THE PROPOSAL

The subject site is located at 3117 Arkstone Road Jeremy formally known as Lot 95 DP 753036. It has an area of 643.8 Hectares in size and is an irregular rectangle in shape. The orientation of the site is generally east west however when locating the site in a Navigation finder, the entrance is identified approximately 2kms from the actual entrance.



### 4. ZONING

The subject land is zoned RU1 Primary Production with a 100 Hectare Minimum Lot Size under Oberon Local Environmental Plan 2013.

### 5. PERMISSIBILITY

Recreation Facility (Outdoor) are permissible with consent. Tourist and Visitor Accommodation is prohibited however may be permissible as ancillary development (dependent on the primary use operating).

The use of the land as a Recreation Facility (Outdoor) is a commercial use of the land.

#### **6. EXISTING CONSENTS THAT RELATE TO THE LAND**

DA 10.2017.26.1 for the installation of three (3) Shipping Containers in the north of the site was approved on 20 April 2017. The owner has advised that the shipping containers have been subsequently relocated to the cleared area of the subject site in the area of the proposed works.

#### **7. ACCESS LOCATION**

The address is 3117 Arkstone Road, Burruga. Access is proposed to the property 2 kilometres further along Arkstone Road and has been assessed by Council Engineers. Concerns over access will be provided for within the report with Crown Land being supported by the Lands Department for access. Conditions of consent will be provided on any consent should Council support the application.

#### **8. NATURALLY OCCURRING ASBESTOS**

The site is not known to have naturally occurring asbestos, none mapped or visible on site. None will be brought onto the site.

#### **9. EASEMENTS**

There is an existing Crown Road reserve located across the site. The owner has purchased this from Crown Lands. There are no other encumbrances that will impact on the proposed development.

#### **10. CONNECTION OF SERVICES**

Utilities necessary for the operation of the site are not available. Power is supplied by battery storage and generators. An application for an On-Site Wastewater treatment System for guests will be required.

#### **11. HERITAGE**

An AHIMS search has been undertaken and the subject land does not contain any indigenous heritage items and is not in a heritage conservation area. There are no indigenous, cultural or built heritage items in the vicinity of the site

#### **12. INDUSTRIAL BUFFER**

The land is not located within the industrial buffer area.

#### **13. BASIX**

Not applicable.

#### **14. BUSHFIRE PRONE**

The site is mapped as bushfire prone and a bushfire assessment report is submitted with the application. The application was referred to the Rural Fire Service as a Special fire Protection Purpose (SFPP). Conditions have been provided accordingly and are incorporated into the Draft Notice of Determination.

## 15. FINANCIAL IMPLICATIONS

Developer Contributions are applicable to the proposed development.

## 16. ASSESSMENT

### ***Biodiversity Conservation Act 2016***

Tree and vegetation clearing is intended to be limited to the location of the proposed accommodation. The Site Ecological Statement (SES) prepared by Access Environmental Planning (February 2024) advises the following.

*This Site Ecological Statement provides a true and fair review of the ecological attributes of the proposed development site and the proposal in relation to its potential effects on the environment. It addresses to the fullest extent possible all matters affecting or likely to affect the environment as a result of the proposal. It identifies the likely impacts of the proposal on the environment and details the environmental safeguards and mitigation measures to be implemented to minimise the potential impact to the environment. In light of the above assessment of the proposed activity, it is considered that the overall impact on the environment is likely to be minimal and therefore acceptable.*

(Site Ecological Statement, Access Environmental February 2024)

The following assessment demonstrates that the thresholds for an assessment against the Biodiversity Offset Scheme will not be necessary.

Section 7.2 of the *Biodiversity Conservation Act 2016* (BC Act) prescribes the circumstances in which the Biodiversity Offset Scheme (BOS) is required to be applied to development.

### **Biodiversity Conservation Act 2016**

#### **7.2 Development or activity “likely to significantly affect threatened species”**

(1) For the purposes of this Part, development or an activity is likely to significantly affect threatened species if:

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or
- (c) it is carried out in a declared area of outstanding biodiversity value.

The proposed development is not considered a risk to threatened species or ecological communities, or their habitats.

Clause 7.2 of the BC Regulation 2017, declares that where the following areas of clearing are exceeded the BOS will be applicable:

### **Biodiversity Conservation Regulation 2017**

#### **7.2 Clearing of area of land that exceeds threshold**

(1) Clearing of native vegetation is declared by this clause to exceed the biodiversity offsets scheme threshold if the area proposed to be cleared is the area set out in Column 2 of the Table to this clause opposite the minimum lot size applicable to the land to be cleared in Column 1 of that Table.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Minimum lot size of land</b>	<b>Area of clearing</b>
Less than 1 hectare	0.25 hectare or more
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

The MLS applicable to the land is 100 Hectares, with a BOS threshold of 1.0 ha. With the area of native vegetation clearing being 360 sqm, the BOS is not applicable to the development under Clause 7.1(1)(a) of the BC Regulation.

Lastly, the proposed development is not proposed to be carried out in a declared area of outstanding biodiversity value under Section 7.2(c) of the BC Act.

<p><b>4.15(1)(a)(i) Any environmental planning instrument</b>  <i>Note: Only instruments with applicable regulatory provisions are addressed.</i></p>
<p><i>Oberon Local Environmental Plan 2013</i></p> <p><u>Permissibility</u>                  The development is permissible with consent in the RU1 Primary Production zone but there are the potential for negative impacts. Any negative impacts have however been adequately addressed through the attached draft conditions of consent.</p> <p><u>Objectives of the Zone</u>                  The development meets the objectives of the zone because the proposed development has adequately responded to the concerns raised by the development in the Statement of Environmental Effects.</p> <p>Objectives of zone</p> <ul style="list-style-type: none"> <li>• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>• To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>• To minimise the fragmentation and alienation of resource lands.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>• To enable other forms of development associated with primary production activities, which may require an isolated location or which support tourism or recreational activities.</li> </ul> <p>Dot 1: The proposed use does not detract from the natural resource base of the locality. The proposed use is consistent with this objective.</p>



Dot 2: The proposed development does not relate to the use of the land for Primary production. The proposed use is consistent with this objective.

Dot 3: The proposed development does exacerbate the fragmentation of the use of resources on the subject site. The proposed use is terrestrial and restricted by conditions of consent to the identified areas of the site. This is intended to limit the impact on the natural environment and confine impacts to limited and designated areas and the previously disturbed area of the site. The proposal is considered consistent with this objective.

Dot 4: The restriction on the areas to be occupied and used by the Recreational Facility is intended to minimise the conflict between land uses within the RU1 Primary Production Zone (adjoining properties are also zoned RU1 Primary Production). The supporting Noise Impact Assessment (NIA) and site visit by Councillors demonstrates that the minimisation of conflict can be achieved. That is not to take away from the validity of the concerns raised in submissions addressed later in this report. The application is considered to satisfactorily address this objective.

Dot 5: The proposed use as a Recreational Facility (Outdoor), specifically motorcycle track, achieves this objective and is the type of land use envisaged by this objective. This of course is subject to other objectives being met in particular the proposed use being located and site characteristics being employed to mitigate potential conflicts. It is considered that the applicant has addressed as far as possible potential conflicts by adapting the use in an isolated location. It is conversely considered however that the ongoing use must continue to operate in accordance with its conditions of consent and, in particular, not interfere with the enjoyment and operation of any adjoining properties. The proposed development is therefore consistent with this objective.

#### Miscellaneous Provisions

5.10 – Heritage Management – Heritage impacts are not anticipated.

5.21 – Flood Planning – Not applicable to this site.

#### Additional Local Provisions:

6.1 – Earthworks – Minimal earthworks for the use of the site are proposed. This will not have detrimental impacts on drainage patterns or ground water levels. Standard conditions regarding erosion and sediment control and Construction Management Plan are recommended.

6.3 – Riparian land and water courses – There are no watercourses on or in the vicinity of the proposed use or accommodation areas.

6.4 – Essential services – Essential services are available to the site either through conventional distribution or on-site treatment and generation.

6.6 – Development is not within a designated buffer area.

6.7 – Karst subsidence risk – the development site is not within a SP3 Zone.

#### **4.15(1)(a)(ii) Any proposed instrument that is or has been placed on exhibition**

There are no draft environmental planning instruments applicable to the proposal.

#### **4.15(1)(a)(iii) Any development control plan**

The Oberon Development Control Plan 2001

**PART G – TOURISM**

**G.2.2 The Objectives of this Plan are:**

*A. maintain the residential amenity of the property and locality where a tourism establishment is situated. In order to do so designer of the development and Council shall consider the following matters:-*

- 1. the location and number of tourism establishments within any given urban or rural neighbourhood;*
- 2. within rural area serviced by an on-site waste water disposal system, that the capacity and efficiency is adequate.*

There are no similar facilities in the area and no other tourist establishments requiring consent (may be Exempt development). The capacity of the On-Site Waste Water has been specifically drawn to the attention of the proponent to ensure the capacity of the system is adequate for the intended number of guests and users.

*B. maintain a satisfactory standard of management and service; and*

A Plan of Management has been submitted and is considered adequate.

*C. ensure that the premises meet acceptable community health and fire safety standards.*

Compliance and health inspections can come through the EP&A Act or S68 of the LG Act.

**G.7 Health Standards**

Satisfactory health standard will be maintained through compliance with National Construction Code.

**G.8 Fire Safety**

Fire Safety and Bushfire Safety inspection can be done through compliance inspections. The Rural Fire Service referral (14 September 2023) have provided conditions of consent. A condition of consent has been included by Council for the facility to cease operation and evacuate in the event of catastrophic fire conditions.

**G.11 Inspections**

The premises may be inspected to ensure the operation is in accordance with the conditions of consent.

**H.3 Neighbour Notification**

Neighbour notification was initially undertaken from the 5 July 2023 – 21 July 2023. Three submissions were received objecting to the proposal and one (1) late requesting notification.

The second round of notification was undertaken from 7 - 31 January 2025.

Two (2) submissions were received during that period, both restating their objections to the development. The submissions are addressed later in this report.

**4.15(1)(a)(iiia) Any planning agreement**

No planning agreement presented or considered.

**4.15(1)(a)(iv) The regulations (to the extent that they prescribe matters for the purpose of this paragraph)**

<p>The Regulations require approvals for the moveable dwellings and an On-Site Wastewater System to be lodged and approved prior to any works commencing on site.</p>
<p><b>4.15(1)(a)(v) Any coastal zone management plan (within the meaning of the Coastal Zone Management Act 1979 that apply to the land to which the development application relates</b></p> <p>No coastal zone management plans apply to the subject land.</p>
<p><b>4.15(1)(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</b></p> <p><i>Context and setting</i></p> <p>The proposal will establish a motorbike riding facility and guest and visitor accommodation. The Site Ecological Statement concludes that the proposed development will have minimal environmental impacts on flora and fauna and the site where it is restricted and contained within areas identified on the plans submitted.</p> <p>A Noise Impact Assessment concludes that there should be minimal impact on surrounding properties with regard to noise, and a demonstration by the applicant and owner to Councillors on 6 December 2024 supported that conclusion.</p> <p>It is considered that subject to the attached draft conditions of consent, the impacts of the proposed development can be mitigated however in the public interest, the views of surrounding owners should also be considered</p>
<p><i>Access, transport and traffic</i></p> <p>The use of the site may periodically impact on the traffic of Arkstone Road in the vicinity of the entrance with vehicles entering and leaving the site. A satisfactory traffic management plan for the duration of the site will be required to ensure the maintenance of the public road and safety of road users is maintained.</p>
<p><i>Public domain</i></p> <p>There will be minimal impact on the public domain.</p>
<p><i>Utilities</i></p> <p>The lot has adequate utilities available. Conditions of consent would be required to highlight what is expected.</p>
<p><i>Other land resources</i></p> <p>The development will not affect land resources on the land or on surrounding land.</p>
<p><i>Water</i></p> <p>There is an identified watercourse leading from the subject site however the Ecological report identified minimal impact on this watercourse.</p>
<p><i>Soils</i></p> <p>The development will impact on the existing quality of the soil on the identified motorbike tracks however soil stabilisation measures and rehabilitation of the site following development will ensure the impacts are mitigated over the long term.</p>
<p><i>Air and microclimate</i></p> <p>Negligible impact to the air or microclimate from the development. Conditions of consent will be included for the containment of liquid stored on the site by way of bunding.</p>
<p><i>Flora and fauna</i></p>

<p>Site Ecological Statement provided is summarised above. Minimal native vegetation is proposed to be removed. Subject to general restrictions, the proposal will have no significant impact on flora or fauna.</p>
<p><i>Energy</i></p> <p>The proposal will be required to comply with the relevant provisions of the National Construction code.</p>
<p><i>Noise and vibration</i></p> <p>A Noise Impact Assessment has been provided prepared by Acoustik 19 April 2024.</p> <p><i>The noise level emissions from the motor bike riding activity are predicted. The proposed development site tracks are remotely located and 1 km from the closest affected residence. The predicted 15-minute average noise levels are below the trigger levels nominated by the NSW EPA Noise Policy for Industry.</i></p> <p><i>The noise levels generated by the bike riding activity will not be a persistent activity throughout the whole day as riders will take breaks between riding sessions.</i></p> <p>Although the conclusion of the report is that there will be minimal impact on surrounding properties subject to suitable Management controls, it is the nature of motorcycle noise being short sharp bursts that can impact on comfort or repose. In addition, with potentially thirty (30) riders, breaks may be few and far between. Specific Conditions of consent are proposed including a noise management plan (within the Plan of Management) to mitigate these concerns, as highlighted within the Acoustic Report.</p>
<p><i>Natural hazards</i></p> <p>The site is mapped as bushfire prone. The site is not known to be flood prone.</p> <p>Conditions of consent will be included regarding bushfire in accordance with Rural Fire Service comments and erosion and sediment control measures to be installed.</p>
<p><i>Technological hazards</i></p> <p>No hazards identified.</p>
<p><i>Safety, security and crime prevention</i></p> <p>A Operational Plan of Management has been included to address the operation of the accommodation and anti-social behaviours.</p>
<p><i>Economic impact in the locality</i></p> <p>The proposal will have minimal economic impacts.</p>
<p><i>Site design and internal design</i></p> <p>The site design layout and area are considered appropriate for the site. Provided the areas designated for the proposed uses are adhered to, there is anticipated to be minimal impact on the site and its flora and fauna.</p>
<p><i>Construction</i></p> <p>Conditions of consent have been included.</p>
<p><i>Cumulative impacts</i></p> <p>If the proposed development operates within the Conditions of consent and the Plan of Management it is unlikely to result in any cumulative impacts on the site or the locality because of the conditions included in the Draft Notice of Determination and the operational Plan of Management. Exceeding the capacity and the limitations on</p>

visitors will have a cumulative impact on surrounding properties if for no other reason that the site exceeding the stated carrying capacity for the proposed use.

**4.15(1)(c) The suitability of the site for the development**

*Does the proposal fit in the locality?*

The site is considered to be suitable for the development. The Site Ecological Statement (SES) advises that **general safeguards** are required for the proposal to maintain minimal impact on the site. These recommendations would form a condition of consent should Council be of an opinion to approve the development.

*Parking of vehicles and storage of plant / equipment is to occur on-site, in existing disturbed areas. Designated areas will ensure that all equipment is kept away from more environmentally sensitive areas.*

*All project staff and contractors will be inducted on the environmental sensitivities of the work site(s) and relevant safeguards prior to commencement. All work will be limited to the prescribed area.*

*Site management will comply with the provisions of Landcom's "Blue Book (Managing Urban Stormwater: Soils and construction - Volume 1 (4th edition)). Sediment will be prevented from moving off the site and no sediment laden water will enter drainage lines or watercourses. Any fuels or chemicals must be stored in bunded areas with functional spill kits and containment procedures available for use.*

*Should unexpected, threatened fauna be located at any time during the work, work will stop to prevent further harm to the individual and professional advice will be sought.*

*Vegetation disturbance will be kept to the minimum necessary. Works are not to harm threatened fauna or impede fauna movement. Construction machinery should be cleaned before entering and leaving the site to ensure biosecurity risks are minimised.*

*Waste and excess materials should be removed to a licensed waste disposal facility and the site and ground surfaces restored at the completion of building activity.*

*On going site management should include controls on domestic dogs to restrict their movement and limit impacts to native fauna.*

*Motorbike track use will only be permitted during daylight hours.*

The use of the site for the proposed purpose is satisfactory however it needs to operate within safeguards and conditions of consent to mitigate impacts on adjoining premises or the natural environment. The proposed use is permissible with consent in the zone. There are no human or natural hazards that would prevent the proposal from being supported. As such the application is considered to be suitable for the site.

**4.15(1)(d) Any submissions made in accordance with the Act or Regulations**

*Public submissions*

The proposed development was notified to surrounding landowners. This notification did not include all of the information submitted by the applicant including a Site Impact Statement and Noise Impact Statement. Two (2) submissions and one (1) late submission were received from the initial notification. After contacting the applicant seeking additional information all supplementary documentation was supplied to Council subsequently provided during further notification. This was undertaken with 2 submissions being received in that time. These submissions are discussed in detail below.

**4.15(1)(e) The public interest**

The proposed Recreation Facility (Outdoor) and ancillary accommodation are permissible in the zone and satisfactory with regard to the objectives of the site and potential impacts on the site. Surrounding properties have been given the opportunity to consider all of the information submitted by the proponent and these have been addressed by the applicant in information provided or by conditions of consent. The balance therefore at the present point in time is that the public interest is served in supporting the application.

**REFERRAL**

**Technical Services**

The application was referred to Technical Services on 3<sup>rd</sup> December 2024 for their comments regarding sightlines at the entrance and exit to the property.

On 9 December 2024 Technical Services advised that the following be included as a condition of consent.

*“That the applicant engage a suitably qualified traffic engineer to determine the appropriate sight distance in accordance with the AUSTROAD standard for the proposed entry/exit. If appropriate sight distance cannot be obtained that a new entry/exit be provided that satisfies the required standard.”*

Following Council’s consideration of the application on 18<sup>th</sup> February 2025 the application was deferred for further advice (from the applicant’s engineers) to respond. The applicant’s engineer has provided this additional information, and their response is detailed in the Council Report.

**Rural Fire Service (RFS)**

The application was referred to the RFS as a Special Fire Protection Purpose (SFPP). The response from the RFS was received on 14 September 2024 and included conditions that have been included in the attached Draft Notice of Determination.

**Crown Lands**

The application was referred to Crown Lands on 16 January 2025. Crown Lands offered no objection to the proposed development as no significant impact on Crown Land has been identified.

**NOTIFICATION OVERVIEW**

As indicated the application has been notified twice since the lodgement. The first notification was undertaken in June 2024 with two (2) submissions being received. A summary of the submissions and Councils assessing officers response is provided below.

FIRST NOTIFICATION

Neighbour notification was initially undertaken from the 5 July 2023 – 21 July 2023

**Submission 1 Burns Planning**

Submission 1	Applicants Response	Council's response
<p><b>1. Notification of Development</b></p> <p>Submission: <i>Should be advertised development as a Tourist Facility</i></p>	<p>A matter for Council</p>	<p>Notification was considered appropriate because the remoteness of the site would have limited impact beyond adjoining properties.</p> <p>The application was renotified to those who made a submission</p>
<p><b>2. Proposed Plans inadequate</b></p> <p>Submission raised concern that <i>the plans are not to scale and do not clearly indicate the exact location of the tracks relative to the neighbouring boundary fence lines, existing creek/watercourses and topography of the site. The site plans do not indicate what is existing and what are proposed, any clearing, emergency landing sites for helicopters and wastewater.</i></p>	<p>The applicant's response refers to the plans identified in the Site Ecological Statement (SES) (June 2024) where the nearest part of the perimeter track is 250 metres from the adjoining boundary. The nearest part of the internal track is 400 metres from the adjoining boundary.</p> <p>The applicant's response also states that there is no clearing proposed in the area of the Biodiversity Values Map, therefore the Biodiversity Scheme does not apply.</p> <p>In relation to the accommodation area, the applicant advises there is no clearing is proposed a helicopter landing site is not identified but is available (for emergencies). The Effluent disposal area is incorrect and a revised OSWW report has been uploaded.</p>	<p>Since the application was originally notified, Burns Planning have not had the opportunity to review the SES. The proposed Recreation activity was hand drawn on the original plan not clearly identified.</p> <p>The SES provides clearer maps and there are other maps that identify the location of the proposed tracks.</p> <p>Part of the issue is that the maps originally submitted are disjointed and do not provide a coherent picture of the proposed development (see images in Applicants Response to Submissions).</p> <p>It is recommended that the revised plans be renotified to those who made a submission so that they can gain a clearer understanding of the proposal.</p>

<p><b>3. Legal and Practical access</b></p> <p>Submission advises <i>the landowner has no legal right to maintain the access road because they are not a roads authority and should be either purchased and closed prior to lodgement of the DA or modified to meet Council's standards and gazetted.</i></p>	<p>The proponent can undertake minor works within the Crown Road reserve if a Deed of Agreement is in place (none has been entered into yet because no works are proposed in the road reserve).</p>	<p>Legal and practical access has been misrepresented. Council has had confirmed by Crown Lands that the proponent has ownership of the land to the entrance gate (Where there is a sign stating words to the effect 'You are entering private land – no trespassing').</p> <p>Notwithstanding this, the proponent can enter a Deed of Agreement with the Crown for minor works however at this time, no works are proposed. There may be however a requirement for works to upgrade the access to address traffic or sight distances via conditions of consent.</p>
<p><b>4. Existing Use of the site and associated structures</b></p> <p><i>The submission advises: the adjoining owners indicate the site is already being used as a motorcross track with overnight accommodation for friends and paying guests.</i></p> <p><i>The use of existing portable buildings as amenities, accommodation or managers residence does not comply with the requirements of the NCC. Performance solutions</i></p>	<p>The applicants' responses are as follows: <i>The submission is incorrect regarding being used to provide accommodation for paying guests.</i></p> <p><i>With regards to fill and trackwork, the only works undertaken with regard to fill have been within the limits of Subdivision 15 of the State Environmental Planning Policy (Exempt and Complying development Codes) 2021. Trackwork is limited to ongoing maintenance.</i></p>	<p>It is understood that the site and motorcycle facility is currently being used for private purposes because the track and structures were existing. Evidence needs to be that supports the claim made that the site is currently being used on a commercial basis.</p> <p>Fill and track maintenance is permissible under the Codes SEPP 2008 without consent. Evidence needs to be provided to support the claim made in the submission but also works that have been done.</p>



<p><i>demonstrating compliance with NCC are required.</i></p> <p><i>Installation of these buildings in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 has not been addressed.</i></p>	<p><i>In relation to the accommodation buildings, if required details can be provided to demonstrate that the buildings can meet performance criteria of the NCC.</i></p> <p>The Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 is not applicable to the proposed development as it is not a caravan park or camping ground.</p>	<p>Compliance with the NCC can be demonstrated at CC stage.</p> <p>Subdivision 3 of Part 3 of the Local Government Regulations do apply to the proposed development where the proposed development is not a Caravan Park or Camping Ground. This should be requested as Additional Information prior to approval of the proposed moveable dwellings under s68 of the LG Act.</p>
<p><b>5. Acoustic Report</b></p> <p><i>Submission - The impacts of proposed motorcycle noise should be supported by an acoustic report. And what measures have been put in place to preserve existing vegetation (to mitigate noise).</i></p> <p><i>The previous private use of the motorcycle track is irrelevant to the potential impacts of a commercial development.</i></p> <p><i>Amplified noise is proposed until 10pm.</i></p> <p><i>The issue of motorbike activity around the campsite has not been addressed.</i></p> <p><i>The facility may be used by unregistered (or unregistrable) bikes that may not comply with noise</i></p>	<p><i>Applicants' response – An acoustic report has been provided for the development demonstrating that noise impacts at the nearest residential receivers will be below the relevant noise limits.</i></p> <p><i>Bikes will be ridden slowly from the accommodation area to access the track.</i></p> <p><i>Bikes will be ridden slowly from the accommodation area to access the tracks.</i></p> <p><i>No bikes will be permitted to be ridden along the access track from Arkstone Road. The acoustic report recommends a speed limit area on pt of the perimeter track nearest to the accommodation area. This can be applied within the accommodation area.</i></p>	<p>Council's response – a demonstration of motorcycle noise was provided at the site inspection of 3<sup>rd</sup> December 2024. There were minimal impacts shown from this demonstration. However, the commercial use of private land for a motorcycle track can be used by unregulated and unlicensed riders and these can generate more noise (and smoke) than regulated exhaust systems.</p> <p>Restrictions can be placed on riding motorcycles within or near the accommodation area, but this will require adequate controls, vigilant monitoring and strict management to address these concerns.</p>

<p><i>restriction (same as road registered bikes).</i></p> <p><i>Motor cross bikes and enduro bikes are 2/4 stroke and can be audible for kilometres.</i></p>		
<p><b>6. Operational Management Plan (OMP).</b></p> <p>Issues raised in submission. <i>The OMP does not address day-to-day activities to prevent:</i></p> <p>(a). <i>Trespassing</i>          (b). <i>The use of motorbikes on the crown road</i>          (c). <i>Will dogs/pets be allowed.</i>          (d). <i>The accommodation is supposed to sleep 30 however does not appear large enough for this number. Will camping be permitted and will non-riding partners be permitted to stay.</i>          (e). <i>How will the operator minimise the impact/effect on our livestock in adjoining paddocks.</i>          (f). <i>Emergency management plans – Where is the helicopter landing area? This should be shown on the plans.</i></p>	<p>The applicant's response are as follows:</p> <p>(a). A sign will be placed at the property entrance stating 'Private Property, no trespassing'</p> <p>(b). Guests will be advised to bring motorbikes on the back on utes or in trailers as no motorbike riding is permitted on the access road.</p> <p>(c). Guests will be advised that pets are not permitted on the site.</p> <p>(d). There are ten accommodation rooms. The layout generates accommodation for 32 persons. Camping will not be permitted but non-riding partners will be able to stay with the number capped at 30.</p> <p>(e). Only impact on adjoining stock will be from vehicles accessing and leaving the site and the access to Arkstone Road. Recreational motorbikes will not be permitted to use the Crown Road. This impact is considered minor however guests</p>	<p>Comment:</p> <p>(a). It is believed the submission relates to trespassing on the submitters land or any other adjoining property. This has not been adequately addressed</p> <p>(b). Licensed motorbikes may lawfully use the access road however this does not prevent removal of restrictive devices on the site. Conditions of consent may be imposed accordingly</p> <p>(c). Domestic pets should no be allowed on the site. Conditions of consent may be imposed accordingly.</p> <p>(d). 30 guests is a satisfactory number but no more than this should be permitted. Conditions of consent may be imposed accordingly.</p> <p>(e). It is difficult to qualify or quantify the impact on adjoining agriculture without the site operating. There is some vegetation buffer between the subject site and the adjoining property, but the nature of agriculture</p>

	<p>will be asked to leave in a quiet manner. The applicant's submission believes there is a greater impact of heavy vehicles using Arkstone Road itself.</p> <p>(f). No response.</p>	<p>and the sensitivity of animals to new circumstance is unpredictable.</p> <p>(f). Point f was not responded to by the applicant. It is agreed that any landing space must be clearly identified on a site with many trees.</p>
<p><b>7. Right to farm</b></p> <p><i>The proximity of the farm will impact on day-to-day activities associated to Primary production on adjoining land such as Vermin control, licensed shooting; and Mismothering of stock, particularly lambs due to noise impacts. The proposed commercial tourism is considered too close to the boundary and will have negative impacts upon the existing agricultural activities.</i></p>	<p>The applicant's response is that <i>The acoustic report demonstrates that no part of the adjoining land will experience noise levels that exceed the relevant noise limits.</i></p>	<p>The impact of changed circumstances on the day-to-day operations of an adjoining farm are difficult to quantify or qualify. Vermin control could continue but would need to be considered in the context of the adjoining premises. Discharging firearms should always be done safely and in a strictly controlled manner. Both parties will need to be mindful of the use of adjoining land.</p>
<p><b>8. Koala Habitat</b></p> <p><i>The site is heavily timbered and is identified as Western Slopes Dry Sclerophyll Forests containing stringybark, long leaved box and Joycea pallida.</i></p>	<p>The applicant's response is that the SES has assessed the impact of the proposed development on koala habitat and concludes that the site does not contain potential koala habitat.</p>	<p>The SES states that that there are no core koala habitat only highly suitable areas for Koala habitat. Subject to restriction on the use of the land, apart from the potential for vehicle strike by motorcycles there will be minimal impact on existing Koala population (if any).</p>
<p><b>9. Potable Water Supply</b></p> <p><i>The plans and supporting documentation do not clarify the availability of Potable water supply for the site in accordance with Public Health requirements.</i></p>	<p>The applicant's response is that the plans identify water tanks to be connected to each of the proposed accommodation buildings, the amenities building and recreation building.</p>	<p>The applicants advise that potable water will be obtained by rainwater tanks and roof runoff. Although no capacities are provided, the minimum requirement will be to provide minimum</p>

		capacities for bushfire firefighting purposes.
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Submission 2 Hume Forests Ltd

Submission 2	Applicants Response	Council's response
<b>1. Risk of activities taking place (vehicle movements and campfires) during declared total fire ban days.</b>	Applicants' response: Campfires will not be permitted, other than in a cleared areas. The Operational Management Plan (OMP) states that "on days declared by the RFS as having extreme or catastrophic fire danger rating, the facility will be closed to guests until such time as the fire danger rating ceased".	Rural Fire Service conditions will require this issue to be satisfactorily addressed. The response is satisfactory.
<b>2. Campfires will be lit without adhering to RFS requirements during the proclaimed fire danger period.</b>	As noted above, the fire pit will not be used during fire danger periods.	Rural Fire Service conditions will require this issue to be satisfactorily addressed.
<b>3. That Koromira Fire Trail will be used by recreational motor bike users and be subsequently degraded.</b>	The applicant's response is that <i>the use of the fire trail will be limited to within the subject property and the landowner will undertake maintenance of the fire trail to ensure it remains accessible by fire fighting vehicles.</i>	The Koromira Fire Trail will require maintenance, and the conditions of consent provide standards for the maintenance of internal access roads. Maintenance will therefore be the responsibility of the owner.
<b>4. That recreational motor bike users will trespass into the adjoining private softwood plantation under the assumption that these plantations are public lands.</b>	The applicants' response is that the motorcycle riding area does not directly adjoining land owned by Hume Forestry. The Guests will be made aware of the limits of the property and the area permitted for riding. Fence line exists between the subject land and all adjoining forestry land preventing access.	The perimeter road that accesses the riding tracks does directly adjoining land owned by Hume Forestry. On recent site inspections the fencing was in disrepair and no maintenance had been undertaken. Hume forests advised that they had supplied materials to the owner to complete the fencing work but it was not completed.

As a result of a request for additional information the application was renotified during December and January with the additional information provided. As a result of the notification a 2 submissions were received. Following is a summary of submissions and the assessing officer response.

SECOND NOTIFICATION TABLE

Council response to submissions to re notification to previous submitters – 10.1.25 to 31.1.25

**Submission: Burns Planning**

Submission 1	Applicants Response	Council's response
<p><b>1. Acoustic Report</b></p> <p>Submission: <i>Noise level emissions statement is incorrect and should be challenged for the following reasons: -</i></p> <p><i>*How can anyone determine the exact location of the motorbike track when no site plan to scale has been provided to adjoining land owners?</i></p> <p><i>*Report provided does not address in sufficient details the type of motorbikes to be utilised on site?</i></p> <p><i>*How is the noise form the track to be managed by introducing a speed limited area? The report relies on this "speed limited area" to provide a favourable outcome</i></p> <p><i>*The report does not include the impacts from the proposed camping area? How will the operation of the site be managed?</i></p> <p><i>Report prepared by EHSR Group 2025 FINAL</i></p>	<p>A response from Acoustic Consultant is provided -</p> <p>1. Background noise levels: - min noise level of 35dBA for the day period was adopted which is consistent with the provision in the Noise Policy for Industry (NPI) – that acknowledges the higher noise during the day period have less impact on the amenity of residents compared to noise generated in the evening and night periods.</p> <p>A formal assessment of patron noise is not required – this can be set by the host and or Council.</p> <p>2. Modifying Factors for Noise – Motor bike noise levels are not impulsive noise. Impulsive noise is created by noise sources like a hammer strike where a very loud sound has a short duration. The noise generated by motor bikes is consistent and continuous and from a distance would be stable in level.</p> <p>3. Weather conditions – The assumptions for weather conditions are fully detailed in S4.2 of report. The modelling using iNoise includes prevailing wind conditions after all directions for the noise sources to the receivers.</p>	<p>The issues have been adequately addressed and conditions of consent have been included in the draft conditions.</p>

	<p>4. Instantaneous Noise Levels (L<sub>amx</sub>) – was not required as part of the assessment, however predictions were included as the residential area of the noise receivers for completeness.</p> <p>The assessment does not guarantee that noise from riding motor bikes would be totally inaudible at the closest receiving residences.</p> <p>5. Operational Noise Level – Upon Development approval proponent would be required to formulate a Noise Management Plan to provide the practical methods that would be employed to control noise emissions. The method to control speed control does not just depend upon signage but the proponent would need to build into the track obstacles and turns that would force riders to slow.</p> <p>6. Noise contour mapping – the provided noise contour mapping is based on Logarithmic Averages with a 15minute duration of the predicted noise levels. Noise contours are not required as part of the assessment unless a night time (10pm to 7am) assessment is required which is not the case.</p> <p>7. Other factors Traffic impacts – report did not include traffic noise generation as the number of vehicle visits generated by the site will be low. Predicted vehicles generation would be in the order of 10 cars on Arkstone</p>	
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	<p>road per day. Day visitors are not permitted and patrons are expected to stay at the campsite thus reducing trips to one way per day for most vehicles. It is expected that compared to the HV traffic the traffic noise generated would be negligible.</p> <p>Noise profiles for different motorbikes – this has already been covered in the report by measuring bike operation at differing speeds.</p> <p>It is the opinion of the author of the report validly represents the likely impact of noise emissions on the surrounding residences near the proposed bike park development.</p>	
<p><b>2. Dwelling Entitlement</b></p> <p><i>On 11.12.2013, DA10.2013.60.1 was approved for an agricultural lot subdivision under LEP1998. The approval pre dated the current LEP. The min lot size applicable is 100ha, and the proposed Lot 2 is 102.3ha. The subdivision certificate has not been registered and the subdivision physically commenced as confirmed by Council on 16.5.2018. The Acoustic report has not addressed the possible location of a dwelling on proposed lot 2.</i></p>	<p>The applicant's response is – the approved subdivision creates a lot that, while originally only proposed for agricultural purposes, could contain a dwelling under the current LEP. This lot has not yet been created. It is not known where a future dwelling may be proposed on the lot and therefore it is impossible to determine how the proposed development may impact on a dwelling on that lot. The proposed lot contains large areas further away from the existing dwelling on a current lot to ensure that the future development of that lot will not be affected by the proposed development</p>	<p>No dwellings are proposed as part of this application and is applicable to the land on which it exists. Should approval be considered any future development will be required to consider the surrounding uses approved.</p>
<p><b>3. Legal access</b></p> <p><i>Submission advises the site relies on a Crown Road Reserve, as its legal and practical access to the site. Neither the landowner nor the Council has the authority</i></p>	<p>As previously advised, the site is accessed via a Crown Road. The NSW Govt fact sheet on proposed works on Crown Roads provides for small scale works to be undertaken with a Deed of Agreement. While there is</p>	<p>The application was referred to Crown Lands in January 2025 and the following comments were received: - <i>Crown Lands as adjoining land owner has reviewed the DA in accordance with the principles of Crown land</i></p>

<p><i>to undertake any maintenance (other than minor works) on this access as they are not the Crown.</i></p> <p><i>The applicant states the proposal relies on a deed of agreement with the Crown Lands with respect to both access and maintenance.</i></p>	<p>no legal requirement to purchase the Crown Road or to gazette it as a public road, it is understood the Crown may encourage Council to take over control of the road or the adjoining land owner to purchase the road. The landowner is willing to commence the process to purchase the road.</p>	<p><i>management and offers no objection to the proposed development as no significant impact to Crown land has been identified. Crown also notes the proposal relies on a Crown Road for its primary access off Arkstone Road, and that the development of a new motor cross facility would be traffic generating development and under the Dept's Roads Policy, and on approval of this development proposal by Council, the Crown road would be considered as eligible for transfer to Council.</i></p> <p>Whilst able at this stage it is not proposed to transfer the road.</p>
<p><b>4. Bushfire Assessment</b></p> <p><i>The submission advises: Incorrectly refers to the access (to the development site as a Right of Way, which is clearly incorrect. Also does not identify the use of potentially non-compliant existing structures/buildings for the purpose of accommodation as the conditions imposed by NSW RFS relates to new buildings, as opposed to existing. Clarification is required as to how existing on site buildings comply with the BAL prescribed.</i></p>	<p>Applicants response: Whilst there may be a minor erroring the bushfire assessment, the outcomes of the assessment remain valid and a revised report is not considered warranted. Existing structures on the site are shed, containers, awning and the like and do not require a BAL assessment.</p>	<p>The errors are considered as minor and do not warrant an updated report.</p> <p>Any proposed buildings for accommodation will require a BAL rating and be required to comply with BCA.</p> <p>Conditions of consent have been included in the draft conditions</p>
<p><b>5. Existing Use of the site and associated structures</b></p> <p><i>The submission advises: *Council needs to consider the following case law in association to the applicants claim that the use of the existing or proposed structures can comply with</i></p>	<p>The applicants' responses are as follows:</p> <p><i>The case law referred to has been considered and the proposed accommodation buildings are different to the proposed in that case. The proposed accommodation buildings are significantly smaller in size and</i></p>	<p>Compliance with the NCC can be demonstrated at CC or S68 application stage.</p> <p>Conditions are included in the draft conditions of consent.</p>



<p><i>the Local Government (Manufactured Home estate, Caravan Parks, Camping Ground and Moveable Dwellings) Regulation 2021. As these structures should be assessed as buildings. See: Ogilvie v Rovest Holdings Pty Ltd [2023] NSWLEC 17.</i></p> <p><i>*These Structures are clearly Class 3 motel accommodation and a Class 5 or 9 recreation/meeting room and not accessible under the Local Government (Manufactured Home estate, Caravan Parks, Camping Ground and Moveable Dwellings) Regulation 2021.</i></p> <p><i>*Buildings are unlikely to comply with the Building Code of Australia.</i></p> <p><i>* Retrospective approval for any existing buildings cannot be granted under Section 68, there is no provision under Section 68 for an “application for Occupation”</i></p>	<p><i>verandahs are not proposed to be attached. It is noted that the consideration of the buildings as moveable dwelling under the Local Government Regulations was at the request of Council staff.</i></p> <p><i>In any case, Development Consent is being for the accommodation buildings under the EPA Act 1979. The process for obtaining approval to install the buildings, be it a Construction Certificate under the EP&amp;A Act 1979 or a S68 approval under the Local Government Act 1993, is relevant only to the wording of conditions of consent. This is a matter for Council to determine.</i></p>	
<p><b>6. Operation of the facility</b></p> <p>Submission - <i>The operation of the facility is unclear.</i></p> <p><i>The Operational Management Plan states:</i></p> <p><i>* Hours of operations - the motorcycle trails will be in use only between the hours of 8.00am to 6.00pm Monday to Sunday.</i></p> <p><i>Geotechnical report states – the use of the proposed facilities during the weekend (Friday through Sunday) The facilities will not be used from Monday to Thursday.</i></p>	<p>Applicants’ response –</p> <p><i>While there may be an error in the geotechnical report with regards to the proposed days of operation, the outcomes of the report remain valid.</i></p>	<p>Council’s response –</p> <p>The Operational Management Plan is included in the SEE which is included in the approved documents in Condition 1 of the draft conditions of Consent</p>
<p><b>7. Ongoing unlawful land clearing</b></p> <p>Issue raised in submission.</p>	<p>The applicant’s response are as follows: Any clearing undertaken on the site has been undertaken in accordance</p>	<p>Comment:</p> <p>Conditions are included in the draft conditions of consent.</p>

The site has been subject to ongoing land clearing over the past few years.	with the allowable clearing requirements of the Local Land Services Act 2013. A dirt pile on the property is to be used for private landscaping purposes and is not related to any clearing of vegetation.	
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**Submission 2 - Southern Cross Forest (formerly Hume Forests Ltd)**

Submission 2	Applicants Response	Council's response
<p><b>1. Bushfire Fire Risk</b></p> <p>Based upon the lack of a fire suppression capacity and ambiguous wording regarding a dedicated fire suppression water source we object to the development.</p>	<p>Applicants' response: The proposed 10,000L tank will only be used for fire fighting purposes. This is in addition to the water tanks proposed to be installed adjacent to each proposed building for potable water supply. The land owner has at the property a fire trailer with a 2,000L capacity. In addition a large dam is located on the property to provide additional emergency water supply for firefighting purposes.</p>	<p>Rural Fire Service conditions require this issue to be satisfactorily addressed. The response is satisfactory. The RFS conditions are included in the draft conditions of consent.</p>

**17. STATE ENVIRONMENTAL PLANNING POLICIES**

SEPP (Resilience and Hazards) 2021

There is not considered to be any contamination of the site at the present point in time. Chapter 4 of this SEPP relates to the remediation of contaminated land. There is a change of use to the site from agriculture to a motorcycle track and accommodation. Conditions of consent have been included to ensure the risk of contamination by spill or leakage of toxic materials or liquids can be satisfactorily contained. Subject to conditions of consent the site is considered suitable for the development and no further assessment of potential contamination is warranted.

**Conclusion**

The proposed development is permissible with consent and consistent with the objectives of the RU1 Primary Production zone of the Oberon Local Environmental Plan 2013 (LEP). The application has been notified in accordance with Section H of the Oberon Development Control Plan 2001. A Site Ecological Statement has been submitted indicating that, if the use of the site is confined and restricted to the areas already in use then ecological impacts will be minimised. A Noise Impact Assessment indicates that the proposed development should be able to operate with minimal impact on the subject site and surrounding properties. Conditions of consent have been included from the RFS that demonstrate the site can operate within acceptable constraints for a Special Fire Protection Purpose (SFPP). Access to the site has been identified as constrained (eg achieving sight distances) however it has been satisfactorily demonstrated that these can be addressed prior to the use of the site for the intended land use.

**Recommendation**

That Council approve Development Application 10.2023.30.1 at Lot 95 DP 753036 known as 3117 Arkstone Road, Jeremy for the purpose of a Recreation Facility (Outdoor) and Accommodation.

**Reasons for Recommendation**

- The development is permissible within the Oberon Local Environmental Plan 2013.
- The development is consistent with the Objectives of the RU1 Primary Production zones of the Oberon Local Environmental Plan 2013.
- The development has addressed the aspects identified in the Oberon Development Control Plan 2001.
- Draft conditions of consent have been included to mitigate the impacts of the development.
- The development is considered to be appropriate and will not impact the locality unreasonably.
- The use of the site for the purpose of a Recreation Facility (Outdoor) is in the public interest.

**Attachments**

1. Draft Conditions of Development Consent

Report Prepared by: Bennett Kennedy

Signed: Bennett Kennedy

Updated: 11 March 2025

**1. Approved plans**

The development is to be carried out in accordance with the approved stamped plans and documentation submitted with the application

Plan Title	Prepared/Drawn by	Date
Overall Site Plan	Navigate Planning	11 October 2024
Overall Site Plan Prohibited Delineated Areas	Council notated – Navigate Planning	undated
General Layout Site Plan CDMO522/001 Showing Proposed machinery Shed Location	Oberon Drawing and Design	27/4/22
Proposed Family Recreation Facility: Amenities and Accommodation Building No 1&2 Details CD04/22	Oberon Drawing and Design	Undated
Proposed Family and Recreation Facility: Managers Quarters Admin Facilities Building	Oberon Drawing and Design	Undated
Geotechnical Site Investigation Report 3117 Arkstone Road Jeremy Reference 20220690	Calare Civil	5 March 2025
Bush Fire Assessment BR-562822-E SFPP Motorbike Riding Facility	Bushfire Planning & Design Matthew Noone	27/ 5/ 2024
Site Ecological Statement (SES) Project 3117 Arkstone Road Isabella	Access Environmental Planning	February 2024
Noise Impact Assessment	Acoustik – Navigate Planning Revision 2	19 April 2024
Statement of Environmental Effects – Development Application for Recreational Facility (Outdoor) with ancillary Visitor Accommodation	Navigate Planning	03 February 2025
Rural Fire Service Conditions of Consent	Rural Fire Service	14 September 2023
Operational Plan of Management	Navigate Planning	3 February 2025
Traffic Impact Statement: Recreation Facility (Outdoor) Development 3117 Arkstone Road Isabella	Bitzios Consulting	7 March 2025

except as otherwise provided by the conditions of this determination. (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act).

*Reason:-* To confirm and clarify the terms of Council's approval.

## **2. Limitations on Use**

The use of the site for the purpose of a Recreation Facility (Outdoor) and Visitor Accommodation shall not be permitted to encroach or enter the exclusion area delineated on the revised site plan. The exclusion area shall be clearly identified on the Plan of Management so that all users are aware of these restrictions.

*Reason:-* To ensure that the site operates in accordance with the intended use and within the area intended for the use.

## **3. Moveable Dwellings**

Prior to the Use of the site for the purpose of Outdoor Recreation, a request for the occupation of the moveable Dwellings for the purpose of accommodation shall be lodged and approved under Section 68 of the Local Government Act.

*Reason:-* To ensure that accommodation is provided on site prior to the site being used as for the dominant use as a Recreation Facility (Outdoor).

## **4. Limitations on Use**

The site shall not be used for any other purpose other than a Recreation Facility (Outdoor) as the dominant use of the site without the prior consent of Council.

*Reason:-* To ensure the use of the land remains consistent with the objectives of the zone under the Oberon Local Environmental Plan 2013.

## **5. Limitations on Use**

The use of the Moveable Dwellings on the site shall be ancillary to the approved and dominant use of the site for the purpose of a Recreation Facility (Outdoor) Motorcycle recreation and shall cease if the dominant and approved use of the site ceases.

*Reason:-* To ensure the use of the land remains consistent with the objectives of the zone under the Oberon Local Environmental Plan 2013.

## **6. Limitations on Use**

The use of the site as a Recreation Facility (Outdoor) shall be restricted to within the perimeter road area and the area delineated on the approved plans.

*Reason:-* To ensure the use of the land remains consistent with commitments made to protect flora and fauna on the site and minimise impacts on adjoining properties.

## **PRIOR TO COMMENCEMENT OF WORKS**

### **7. Waste Management**

A Waste Management Plan to address storage, collection, and management of waste and recycling generated by the development shall be provided to Council prior to the commencement of S68 Works.

*Reason:* To ensure the development does not interfere with the amenity of the area or the environment

### **8. Sight Distances**

Appropriate sight distance in accordance with the AUSTRROAD standard for the proposed entry/exit shall be achieved.

*Reason:* The sight distances must be achieved so that vehicle movements to and from the site and in both directions along Arkstone Road will not be negatively impacted.

### **9. Traffic Management Plan**

A Traffic Management Plan is to be prepared in accordance with Transport for NSW Issue 6.1 Technical Manual February 2022 and submitted and endorsed by Council.

- a) All activities including loading and unloading of goods associated with the development be carried out on site in the dedicated areas providing adequate manoeuvring area for the design vehicle.
- b) Landscaping, signage and fencing is not to impede sight lines of traffic or pedestrians within or when passing, entering or departing from the site. Safe Intersection Sight Distance (SISD) must be provided and maintained at the intersection with Arkstone Road.

*Reason:* The TMP must demonstrate that vehicle movements within, to and from the site and in both directions along Arkstone Road will not be negatively impacted and cause nuisance to adjoining landowners.

### **10. No works prior to S68 Approval**

Site works are not to commence until such time as an approval has been granted under Section 68 of the Local Government Act.

*Reason:-* To comply with the requirements of the Environmental Planning and Assessment Act.

### **11. On-Site Wastewater Disposal**

An application for an On-Site Wastewater disposal system shall be submitted to Council for determination under Section 68 of the Local Government Act prior to commencement of works.

*Reason:-* To comply with the requirements of the Local Government Act 1993.

### **12. Notice of commencement**

At least two (2) days prior to the commencement of building works, the applicant is required to submit to the Council a "Notice of Commencement of Building or Subdivision Works".

*Reason:-* To meet the requirements of Section 6.6 of the Environmental Planning and Assessment Act 1979.

### **13. Construction Environment Management Plan**

Prior to works commencing, the applicant shall prepare and submit a Construction Environmental Management Plan (CEMP) to the Certifying Authority. The CEMP shall outline how and where construction activities such as material stockpiling will be undertaken and detail acceptable methods for the adequate control and management of the following:

- Dust Suppression and Mitigation – detailing dust suppression and mitigation measures to be employed during works on the site to ensure dust is not emitted from the site at all times including when no activities are taking place on the site;
- Erosion and Sedimentation Control Plan – detailing the methods to be employed to ensure the adequate management of the surface and stormwater associated with subdivision activities.
- Management and storage of stockpiled materials and waste onsite:
  - Method of waste disposal and disposal sites;
  - Method of waste transport to disposal sites; and
  - Record keeping.

*Reason:-* To ensure the proposal has minimal impacts on surrounding properties and the road and footpath areas around the site.

### **14. Stock Pile Management**

Stockpiled materials including but not limited to earthworks are to be stored in a designated location identified in the construction management plan with suitable erosion and sediment control measures in place.

*Reason:* to contain any runoff with the potential to contaminate any waterways or drainage channels in the vicinity.

### **15. Builders Waste**

All building rubbish, including that which can be wind blown, shall be suitably contained on site, until disposed of at Council's Solid Waste Disposal Depot.

*Reason:-* To ensure the building site and surroundings are kept in a clean and tidy condition and to prevent a nuisance to surrounding premises.

### **16. Run-off, erosion and sediment controls**

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

An Erosion and Sediment Controls Plan must be provided to the Certifying Authority prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended.

The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of all the proposed stages of development and must not be removed until the site is fully stabilised.

*Reason:-* To prevent the movement of soil and sediment and minimum impact on waterways from stormwater and runoff.

#### **17. Site Identification**

A sign is to be erected in a prominent position at the entrance of the work site, stating that unauthorised access is prohibited, and showing the name and contact phone number of the person or company in charge of construction on the site.

*Reason:-* To identify the site and builder, and prevent unauthorised access.

#### **18. Storm water disposal**

Stormwater from the development is to be collected in rainwater tanks or conveyed to drainage channels.

*Reason:-* to ensure the stormwater is suitably managed or discharged.

#### **19. Satisfactory Arrangements for builders toilets**

1. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons working from the site.
2. Each toilet must:
  - a) Be a standard flushing toilet connected to a public sewer, or
  - b) Have an on-site effluent disposal system approved under the Local Government Act 1993, or
  - c) Be a temporary chemical closet approved under the Local Government Act 1993.

### **DURING WORKS**

#### **20. Hours of construction**

Construction work shall only be carried out between

- 7.00 am and 5.00 pm on Monday to Saturday.
- No work on Sundays or Public Holidays.

*Reason:-* To ensure works do not cause noise nuisance to surrounding premises after hours and on Sundays and public holidays.

#### **21. Drainage and Stormwater Management**

Berms and Swales shall be provided in conjunction with the Erosion and Sediment Control Plan to effectively manage drainage and stormwater around the site and within the internal road network.

*Reason:* To ensure water is effectively managed around the site and does not impact on vehicle movement to, from and around the site.



**22. Site to be kept neat and tidy during the construction and ongoing use**

The site shall be kept clean and tidy during the construction and ongoing use and all rubbish shall be removed from the site upon completion of the project to the satisfaction of Council.

Reason:- To ensure the site does not impact on the natural environment or create a nuisance for the adjoining property owners during construction or ongoing use.

**23. Compliance with plans**

Works must be carried out in accordance with the plans and specifications to which the development consent relates. A copy of the approval and plans shall be kept on site at all times.

Reason:- To ensure a copy of the approval is available for builders/tradespersons on site.

**24. Contamination**

A Satisfactory spill kit is to be retained on site in the event of leakage or spillage of toxic material, fuels or other chemicals. The permanent storage of toxic materials fuels or other chemicals is to be contained within a bunded area suitable to containing 125% of the largest container being stored.

Reason: To ensure the site remain uncontaminated and suitable for its intended and ongoing use as Rural land.

**25. Maintenance of site**

- (1) All materials and equipment must be stored wholly within the work site unless in accordance with the site management plan.
- (2) Waste materials (including excavation, demolition, and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties, and roads.
- (4) During construction:
  - (a) all vehicles entering or leaving the site must have their loads covered, and
  - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (5) At the completion of the works, the work site must be left clear of waste and debris.

Reason:- To ensure that the building site and adjoining public areas are maintained in a clean condition and do not impact on the amenity of the area.

**26. Fencing**

Existing fencing is to be suitable and appropriately maintain to ensure no encroachment onto areas to be protected or adjoining properties. All fencing shall allow the free passage of native animals and prevent the entry of motorbikes and persons into protected areas.

Reason: - To ensure areas intended to be protected and free from motorbike are maintained in that condition and the use of the site does not have unintended impacts on the natural environment.

**27. Obligation to Minimise Harm to the Environment**

In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

Reason: To ensure no harm, contamination or damage is caused to the environment.

**PRIOR TO COMMENCEMENT OF USE**

**28. Developer Contributions**

Prior to the commencement of use, contributions are required to be paid. Payment of contributions for the proposed Recreation facility (motorbike track) and accommodation, in accordance with the schedule applicable at the time of payment, as prescribed in Council's Annual Fees and Charges Schedule for the proposed development.

Public Open Space	1ET	\$281.50
Community Facilities	1ET	\$281.50
Emergency Services	1ET	\$337.00
Rural Roads	1ET	\$5,450.00
<b>Total</b>		<b>\$6,350.00</b>

*Reason:* As the proposed development will generate demand for public open space, community facilities, emergency services and rural roads, a contribution is applied in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Oberon Development Contributions & Water Management Works Plan (Amendment) 2004.

**BUSHFIRE CONDITIONS**

**29. Catastrophic Fire Conditions**

The Outdoor Recreation Motorcycle Facility is to cease operating during catastrophic Fire Conditions. The site shall be evacuated and shall not recommence until the Conditions allow the safe operation of the Recreational Motorcycle Facility.

Reason: To ensure the safe operation of the site for users.

**Rural Fire Service Condition**

**30. Asset Protection Zones**

**The intent of measures is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants. To achieve this, the following conditions apply:**

From the commencement of building works and in perpetuity, the property around the visitor accommodation units must be maintained as an inner protection area to the following distances and aspects in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- north-east and south-east for a distance of 79 metres; and
- south-west and north-west for a distance of 67 metres.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

### **31. Construction Standards**

**The intent of measures is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants. To achieve this, the following condition applies:**

New construction of the visitor accommodation must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

### **32. Access - Internal Roads**

**The intent of measure is to provide safe operational access for emergency services personnel in suppressing a bush fire while residents are accessing or egressing an area. To achieve this, the following conditions apply:**

Property access roads to the development, which includes the secondary access route identified as 'Alternate route to Arkstone Road' in Figure 5.1 of the Bush Fire Assessment Report prepared by Bushfire Planning & Design (dated: 05/05/2023, ref: BR-562822-D) must comply with the general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- property access roads are two-wheel drive, all-weather roads;
- minimum 4m carriageway width;
- in forest, woodland and heath situations, rural property access roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m at the passing bay;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- provide a suitable turning area in accordance with Appendix 3;
- curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6m;
- the crossfall is not more than 10 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and
- a development comprising more than three dwellings has access by dedication of a road and not by right of way.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.

### **33. Water and Utility Services**

**The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions apply:**

The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- a 10,000 litre static water supply, tank, pool, dam or the like, must be provided for each proposed visitor accommodation unit on-site,
- an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure
- 65mm Storz connection with a ball valve is fitted to the outlet,
- the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
- underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
- a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
- above-ground tanks are manufactured from concrete or metal,
- raised tanks have their stands constructed from non combustible material or bush fire resisting timber. -The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,
- unobstructed access can be provided at all times,
- underground tanks are clearly marked,
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- all exposed water pipes external to the building are metal, including any fittings,
- a minimum 5hp or 3kW petrol or diesel-powered pump must be provided, and must be shielded against bush fire attack,
- a hose and reel for firefighting must be connected to the pump is to be 19mm internal diameter,
- the required fire hose reel/s must be constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,
- A Static Water Supply (SWS) sign must be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
  - Markers must be fixed in a suitable location to be highly visible, and
  - Markers should be positioned adjacent to the most appropriate access for the water supply.
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;

- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal;
- polymer sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

#### **34. Landscaping Assessment:**

**The intent of measures is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants. To achieve this, the following conditions apply:**

Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used. Emergency and Evacuation Planning Assessment

#### **35. Emergency and Evacuation Planning Assessment**

**The intent of measure is to provide suitable emergency and evacuation arrangements for occupants of SFPP developments. To achieve this, the following conditions apply:**

A Bush Fire Emergency Management and Evacuation Plan is to be prepared in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the following:

- The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
- contact details for the local Rural Fire Service office;
- procedures for coordinated evacuation of the site in consultation with local emergency services.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

## **ONGOING USE OF THE SITE (Operational Phase)**

### **36. Vehicles Driven in a Forward Direction**

All motorcycle and vehicles must be driven in a forward direction at all times when entering, leaving or moving around the site.

Reason:- To preserve and enhance the safe operation of the site for the intended and approved purpose.

### **37. Development not to interfere with amenity of the area.**

The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

Reason:- so that the development does not reduce the amenity of the area

### **38. No Advertising Signage.**

No Advertising Signage is permitted to be erected without the approval of Council. Direction signage shall be for the purpose of directions only and shall not convey any other message. A sign identifying the property address and entrance to the site shall be clearly displayed at the entry.

Reason:- To ensure that any signage is consistent with the consent and is not used for any other purpose without approval.

### **39. Operational Plan of Management**

The site shall operate under a Operational Plan of Management (OPOM) incorporating all recommendations and actions identified in consultant reports and limited by the conditions contained within the approval. The OPOM will be required to be approved by Council prior to the commencement of any operations.

Reason: - to preserve and enhance the safe operation of the site for the intended and approved purpose.

### **40. Crown Lands Access**

The ongoing access to the site may continue in accordance with the policies of Crown Lands however Council will not support any action to make the crown road a public local road.

Reason: - to preserve and enhance the safe operation of the site for the intended and approved purpose at full cost to the operator.

### **41. Required Signage**

Signs providing the following guidance shall be erected at visible locations within the site:

- Ride on Tracks only
- Keep noise to a minimum around accommodation
- Ride/drive slowly around accommodation (walking pace only)
- Helmets to be worn and done up at all times
- You must not ride by yourself
- You must ride in the direction of the arrows
- Always let someone know where you are going
- No starting bikes after dark.

Reason: To preserve and maintain the amenity and safe operation of the site and adjoining properties.

**42. Public Address System and Amplified Music**

A Public Address System shall not be used on the site and no amplified music shall be broadcast outside the hours of operation.

Reason: To ensure the amenity of surrounding properties is not unnecessarily disrupted.

**43. Mobile Food Vending Vans**

Mobile Food Vending Vans are not permitted to operate on the site without the following documented:

- Current Food Safety Supervisors Certificate
- Current Local Council Inspection Report
- Food Business Registration Form.

Reason: To ensure safe food preparation and handling on site.

**44. Hours of Operation**

Hours of Operation shall be restricted to:

8:00 am to 6:00 pm Monday to Sunday

Reason: To ensure the hours of operation are in keeping with the amenity of the rural locality.

**PRESCRIBED CONDITIONS OF CONSENT**

**The following conditions are known as “Prescribed Conditions” and are required by the Environmental Planning and Assessment Regulation 2021 to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council’s Development Department who will be happy to advise you as to whether or not the conditions are relevant to your consent.**

1. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

*Reason:-* So that the development complies with the requirements imposed under Clause 69 of the Environmental Planning and Assessment Regulation 2021.

2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

*Reason:-* So that the development complies with the requirements imposed under Clause 69 of the Environmental Planning and Assessment Regulation 2021.

3. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- in the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor, and
  - (ii) the name of the insurer by which the work is insured under Part 6 of the Act,
- in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

*Reason:-* So that the development complies with the requirements imposed under Clause 71 of the Environmental Planning and Assessment Regulation 2021.

4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- showing the name, address and telephone number of the principal certifying authority for the work, and
  - showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work is being carried out and must be removed when the work has been completed.

*Note:* This condition does not apply to building work that is carried out inside an existing building that does not affect the external walls of the building.

*Reason:-* So that the development complies with the requirements imposed under Clause 70 of the Environmental Planning and Assessment Regulation 2021.

5. Any development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- i. protect and support the adjoining premises from possible damage from the excavation, and
  - ii. where necessary, underpin the adjoining premises to prevent any such damage.

*NOTE:* The condition referred to in sub clause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

*Reason:-* So that the development complies with the requirements imposed under Clause 74 of the Environmental Planning and Assessment Regulation 2021.



**STATEMENT OF ENVIRONMENTAL EFFECTS v6**

**DEVELOPMENT APPLICATION FOR  
RECREATION FACILITY (OUTDOOR)  
WITH ANCILLARY VISITOR  
ACCOMMODATION**

**3117 Arkstone Road, Isabella**



Navigate Planning

3 February 2025

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## 1 INTRODUCTION

This Statement of Environmental Effects (SEE) supports a development application for the commercial use of existing private motorbike trails and the installation of ancillary demountable buildings to provide visitor accommodation and facilities on land at Lot 95 in DP753036, 3117 Arkstone Road, Isabella.

The subject land is zoned RU1 Primary Production under the Oberon Local Environmental Plan 2013 (OLEP 2013). The principal use, being motorbike riding on the existing tracks is defined as recreation facility (outdoor) under OLEP 2013. This use is permitted with consent in the RU1 zone. The provision of visitor accommodation and facilities is ancillary to the principal use.

The motorbike trails were constructed on the land by the previous land owner and continue to be maintained by the current land owner. They have been used for the last seven years by the owner and their friends and family for private purposes.

It is now intended to convert the current activities on the land from a private use to a commercial use. This requires development consent. Given the relative remoteness of the land, it is proposed to provide accommodation on site for visitors using the motorbike trails. No additional motorbike trails are proposed to be constructed.

The subject land is 643.8ha in size. The motorbike trails and accommodation area take up a relatively small part of the overall site.

The development is not “state significant development”, “regionally significant development”, “designated development” or “integrated development”.

This SEE addresses the environmental, social and economic impacts of the proposed development. Appendix 1 of this SEE contains an Operational Management Plan outlining how the facility will be operated and procedures to manage noise, waste, guest behaviour and emergencies. Supporting this SEE are development plans, a bushfire assessment report, an effluent management report, an acoustic report and a Site Ecological Statement.

## 2 PROPOSED DEVELOPMENT

The proposed development involves the following:

1. Use of existing motorbike trails as a recreation facility (outdoor).
2. Installation of three demountable accommodation buildings accommodating up to 30 people in total.
3. Installation of a single demountable toilet/shower building, connected to an effluent management system.
4. Installation of a single demountable recreation building that will contain the manager’s quarters and office, a first aid room, toilets and a recreation area. This building will also be an emergency meeting room.

No works are proposed as part of the use of the motorbike trails, other than ongoing maintenance for the safety of users. The accommodation area is primarily in an existing managed area with scattered trees and managed groundcover. A relatively small area of native vegetation in the vicinity of the accommodation area is required to be thinned to meet asset protection zone requirements.

Earthworks associated with the development are minimal and limited to excavation for building footings and provision of effluent management.

Water tanks for fire fighting and potable purposes are proposed to be installed.

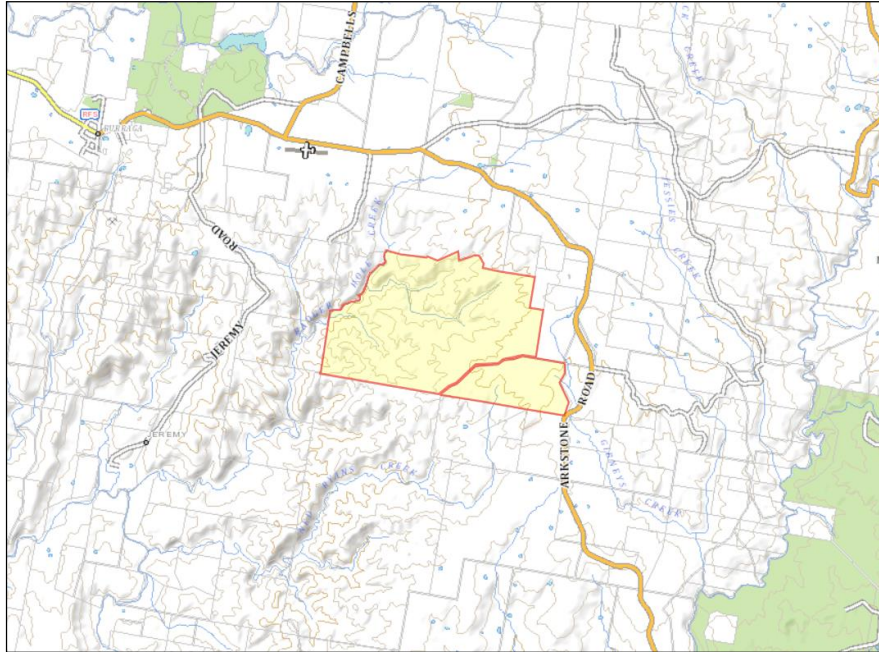
No signage, other than internal directional and track signage is proposed.

The motorcycle trails will be in use only between daylight hours only, with the maximum hours to be 8.00am to 6.00pm Monday to Sunday.

The maximum number of riders at any one time will be limited to 30.

### 3 SITE ANALYSIS

The subject land is Lot 95 in DP 753036, at 3117 Arkstone Road, Isabella, as shown in the following location map.



The land is approximately 10km east of the village of Burruga and approximately 50km south-west of the Oberon township.

The development site is large and has a varying terrain from steep slopes to flat areas. The motorbike trails are mostly located on gentler slopes with some steeper sections. The original motor bike trail constructed on the site used existing fire trails, a track along an existing fence line and part of a Crown Road. Two additional trails were constructed inside the perimeter trail. An aerial photo of part of the existing trails is provided below.



Photos of sections of the existing motorcycle tracks are provided below.



Photo 1: Example of existing perimeter track on Fire Trail.



Photo 2: Example of inner track with jump



Photo 3: View of part of inner loop track

The accommodation area is wholly located in a flat area of the site. This part of the site is managed land with scattered trees and various structures including sheds and recreation shelters. An aerial photo of the accommodation area is provided below.



Photo 4: Aerial view of accommodation area

Photos of the accommodation area are provided below.



Photo 5: View of accommodation area looking east, with car parking area to the left



Photo 6: View of accommodation area looking south from access road.

Access to the subject land is via a Crown Road from Arkstone Road.

A photo of the access road is provided below.



Photo 7: Access Road to Arkstone Road.



The nearest adjoining residence is on land to the north, adjoining the Crown Road access from Arkstone Road. The dwelling is approximately 750m from the accommodation area and 1.4km from the centre of the motorbike trails. The dwelling is not visible from the subject land due to the topography and existing vegetation.

To the south of the subject land is a pine plantation that has been recently harvested. Further to the south is farmland, with no dwelling within 4.3km of the subject land. To the south-east, the nearest dwelling is across Arkstone Road, approximately 1.7km from the area of the motorbike tracks. Neither of these dwellings are visible from the subject land due to the topography and vegetation.

There are a number of defined watercourses on the site, as demonstrated by the blue lines in the above aerial photos. No works are proposed within 40m of any defined watercourse.

The site does not contain a heritage item and there are no heritage items in the vicinity of the site.

The land is serviced by telecommunications. On-site solar power, water supply and effluent management will be required.

## **4 COMPLIANCE WITH RELEVANT LEGISLATION**

### **4.1 Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth)**

Under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), a person must not take an action that has, will have or is likely to have a significant impact on any of the matters of national environmental significance without the approval of the Federal Environment Minister. This includes any impacts on threatened species or endangered ecological communities (EEC) listed under the EPBC Act.

A Site Ecological Statement has been prepared for the development application. The reports states that there will be no significant impacts to any matters of national environmental significance.

Therefore a referral to the Federal Environment Minister is not required.

### **4.2 Disability Discrimination Act 1992 (Commonwealth)**

The *Disability Discrimination Act 1992* (DDA Act) prohibits discrimination against people with a disability in a range of areas, including in relation to access to premises.

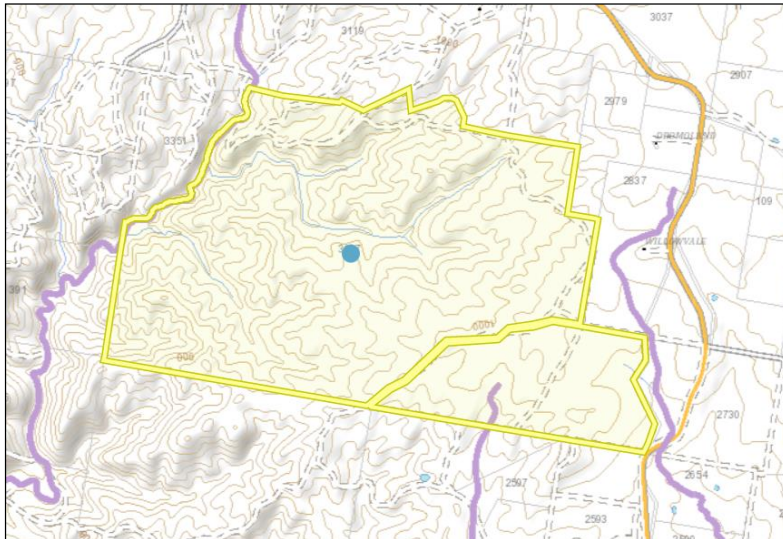
The proposed development is for use by persons who are able to ride a motorcycle and is therefore unlikely to be regularly frequented by persons with a physical disability. However, from time to time a friend or family member of a motorcycle rider may attend the site.

The accommodation, amenities and function buildings are all demountables, raised approximately 600mm off ground level. It is not feasible to provide permanent ramped access to these buildings, however, the operator of the development will supply a portable ramp that can be placed at the building entrances when required. The amenities building will also include a toilet facility that meets accessibility standards.

Given the above, it is considered that the development will comply with the DDA Act.

### **4.3 Biodiversity Conservation Act 2016 (NSW)**

The *Biodiversity Conservation Act 2016* (BC Act) outlines the processes for biodiversity assessments, approvals and offsets where required. The BC Act also defines biodiversity values, and these are shown as the purple areas on the Biodiversity Values Map. As shown on the map below, a small part of the subject land in the vicinity of the existing motorbike trails is identified on the biodiversity values map.



Where development involves clearing that exceeds the biodiversity offset threshold, a Biodiversity Development Assessment Report (BDAR) is required. Any clearing on land identified on the Biodiversity Values Map is deemed to exceed the threshold.

Clearing that is greater than the threshold based on the lot size would require a BDAR and offsets. The subject land has a minimum lot size of 100ha. The biodiversity offset threshold is therefore 1ha. A small area of vegetation thinning along the north-west to north-eastern edge of the required Asset Protection Zone will be required, amounting to no more than approximately 1000m<sup>2</sup> of area, significantly less than the biodiversity offset threshold.

A Site Ecological Statement has been prepared for the development application. The report states that:

- An existing road originally used for adjacent NSW state forestry (now Forestry Corporation) operations already crosses the area highlighted BVM. This road has been in use for forestry operations since the 1980s (Appendix B), pre-dating the BC Act 2016 and the inception of the BVM.
- In this case no clearing or modification to any vegetation identified on the BVM will occur.
- Vegetation thinning towards perimeter of building asset protection zone (APZ) is less than 1000m<sup>2</sup>.

Based on the above, the proposed development does not exceed the Biodiversity Offset Scheme threshold and a Biodiversity Development Assessment Report is not required.

Notwithstanding the above, consideration must be given to potential direct and indirect impacts on threatened ecological communities as a result of the development.

The Site Ecological Statement identifies that none of the vegetation communities located on the land are associated with any threatened ecological communities.

However, the subject land may contain individual threatened flora spaces and is likely to provide habitat for a range of threatened fauna species. The Site Ecological Assessment includes a test of significance for a range of threatened species that may be found on the site. The report states that:

- It is unlikely that any potential undiscovered threatened flora species will be impacted by the proposed site use due to the minor extent of additional vegetation modification and use of existing roads, tracks and disturbed areas.
- Changes to the site for proposed recreational motorbike use and visitor accommodation will not modify vegetation enough to impact significantly on nesting options or food resources for threatened birds of prey.

- For threatened woodland birds, the proposed site use will not modify the quantity, quality or access of any habitat resources to any significant extent and existing habitat resources will remain.
- There is negligible planned disturbance to areas that may support refuge for threatened frog species and therefore no effect on the life cycle enough to endanger any population that may occur.
- In relation to threatened reptiles, there is minimal rocky habitat that will be disrupted by planned development and any logs that may be moved (if tree limbs fall across roads or motorbike tracks) can be relocated trackside in adjacent woody vegetation. No termite mounds were observed during the site inspection, near any areas where there will be disturbance or continuing human use. Due to the extent of untouched forest habitat that will remain on site adverse effects on the life cycle of such species, jeopardising a viable local population, is unlikely.
- Habitat resources for threatened mammals such as gliders will not be adversely affected by proposed site use.
- The site contains highly suitable koala habitat (not core koala habitat as there is no resident koala population). While the proposed site use may cause a slight increase in the threat of vehicular collision for individual koalas that may attend the site in the future, this risk can be managed by operational controls (like not using motorbike tracks from dusk to dawn). This small increase in risk would not endanger a viable local population due to the reservation of large quantities of forest vegetation at the site, that will continue to act as potential koala refuge.
- The types of habitat assets for threatened bats will not be affected by the proposed site use and resulting changes would not create a significant impact on a viable local population.

The report makes the following recommendations:

- Parking of vehicles and storage of plant / equipment is to occur on-site, in existing disturbed areas. Designated areas will ensure that all equipment is kept away from more environmentally sensitive areas.
- All project staff and contractors will be inducted on the environmental sensitivities of the work site(s) and relevant safeguards prior to commencement. All work will be limited to the prescribed area.
- Site management will comply with the provisions of Landcom's "Blue Book (Managing Urban Stormwater: Soils and construction - Volume 1 (4th edition)).
- Sediment will be prevented from moving off the site and no sediment laden water will enter drainage lines or watercourses. Any fuels or chemicals must be stored in bunded areas with functional spill kits and containment procedures available for use.
- Should unexpected, threatened fauna be located at any time during the work, work will stop to prevent further harm to the individual and professional advice will be sought.
- Vegetation disturbance will be kept to the minimum necessary. Works are not to harm threatened fauna or impede fauna movement. Construction machinery should be cleaned before entering and leaving the site to ensure biosecurity risks are minimised.
- Waste and excess materials should be removed to a licensed waste disposal facility and the site and ground surfaces restored at the completion of building activity.
- On going site management should include controls on domestic dogs to restrict their movement and limit impacts to native fauna.
- Motorbike tack use will only be permitted during daylight hours.

Subject to the above recommendations, it is considered that the proposed development will not have significant direct or indirect impacts on threatened species.

#### 4.4 Water Management Act 2000 (NSW)

The *Water Management Act 2000* (WM Act) outlines the approval requirements for works on waterfront land, which is defined as land within 40m of the top of bank of a watercourse. There are a number of mapped watercourses on the subject land in the vicinity of the existing motorbike tracks and one near the proposed accommodation area, as shown below.



The proposal does not involve works, other than ongoing maintenance, within 40m of any watercourse. There are a number of exemptions under the *Water Management (General) Regulation 2018* that would apply to the maintenance of the motorbike tracks, including the following:

- Any activity carried out in connection with the construction or use of fencing, or of a vehicular crossing or an access track, that does not impound water, being an activity carried out in, on or under waterfront land relating to a minor stream and within a rural zone (clause 23 of Schedule 4), and
- the removal of detritus (including woody debris) deposited on waterfront land as a result of the storm (clause 34 (b) of Schedule 4).

The proposed development is therefore exempt from the requirement to obtain a Controlled Activity Approval and is therefore not Integrated Development.

#### 4.5 Rural Fires Act 1997 (NSW)

Under Section 100B of the *Rural Fires Act 1997* (RF Act), a bush fire safety authority is required for certain types of development, known as “special fire protection purposes” (SFPP). The proposed development, given it involves visitor accommodation, is a special fire protection purpose.

A bushfire assessment report has been prepared for the proposed development. The report recommends a construction rating of BAL-12.5 with an asset protection zone of 79m to the north-east and east, with 67m to the north, south and west. The asset protection zone is wholly located on the subject land and predominantly within the existing managed area of the site.

The report acknowledges that access can comply with the requirements of *Planning for Bushfire Protection 2019*, with several alternative evacuation routes available.

A minimum 10,000 litres is to be provided for fire suppression for each occupied building, along with a 5hp or 3kW petrol or diesel-powered pump. Any hose and reel for fire-fighting connected to the pump shall be 19mm (internal diameter) and capable of reaching all parts of the building. Water tanks will comply with the requirements of Planning for Bushfire Protection 2019.

Electricity and gas to be provided in accordance with the requirements of Planning for Bushfire Protection 2019.

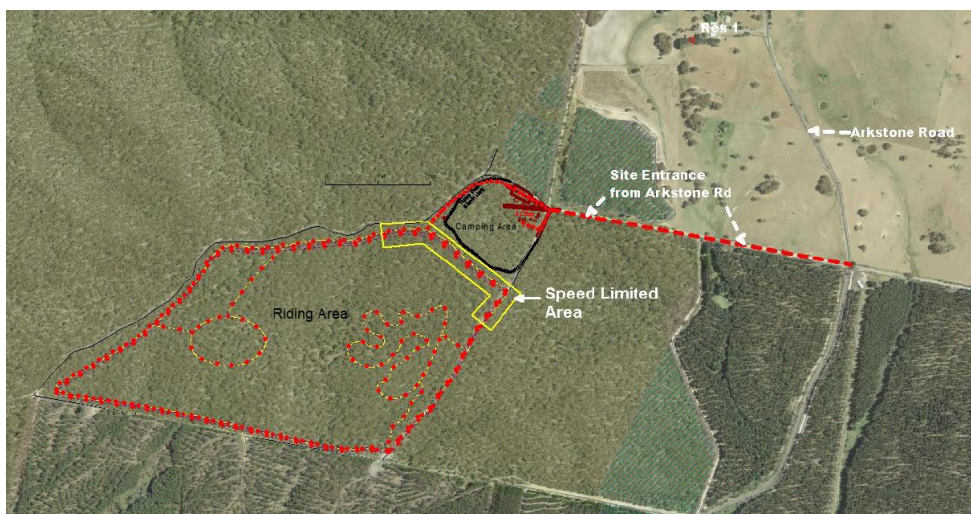
A Bush Fire Emergency Management and Evacuation Plan is to be prepared consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* or Australian Standard AS 3745:2010 Planning for emergencies in facilities.

#### 4.6 Protection of the Environment Operations Act 1997 (NSW)

The POEO Act provides for the Environmental Protection Authority to establish policies with respect to environmental matters, including noise, and it provides regulatory authorities with powers to control excessive noise.

The proposed development is a noise generating activity. A Noise Impact Assessment has been prepared for the development application. The report states that:

- The predicted noise emissions from the operation of the proposed development are well below the day trigger level of 40 dBA set by the NSW NPI.
- Subject to limiting the speed of motorbikes in the section of the perimeter track nearest Resident 1 (2837 Arkstone Road), the instantaneous or maximum noise from an individual bike passing the closets to Resident 1 is predicted at 36 dBA which is also below the trigger level for a 15 minute assessment. The are of speed limit is shown below:




Based on the above, it is considered that the proposed development can operate without adverse noise impacts on surrounding residents.

It is also noted that the motorcycle trails have been used on a regular basis for the last seven years, with no complaints received by adjoining landowners. The scale of use of the motorcycle trails will not be significantly greater than the existing private use of the trails.

#### 4.7 National Parks and Wildlife Act 1974 (NSW)

Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) states that it is an offence to harm or desecrate an Aboriginal object unless authorised by an Aboriginal heritage impact permit. An Aboriginal Heritage Due Diligence Assessment should be undertaken where development has the potential to uncover an Aboriginal artefact.

A search of the Aboriginal Heritage Information Management System (AHIMS) found no objects having been recorded within 1km of the development site. The AHIMS Search result is copied below.



**AHIMS Web Services (AWS)**  
Search Result

Your Ref/PO Number : 28  
Client Service ID : 742815  
Date: 26 December 2022

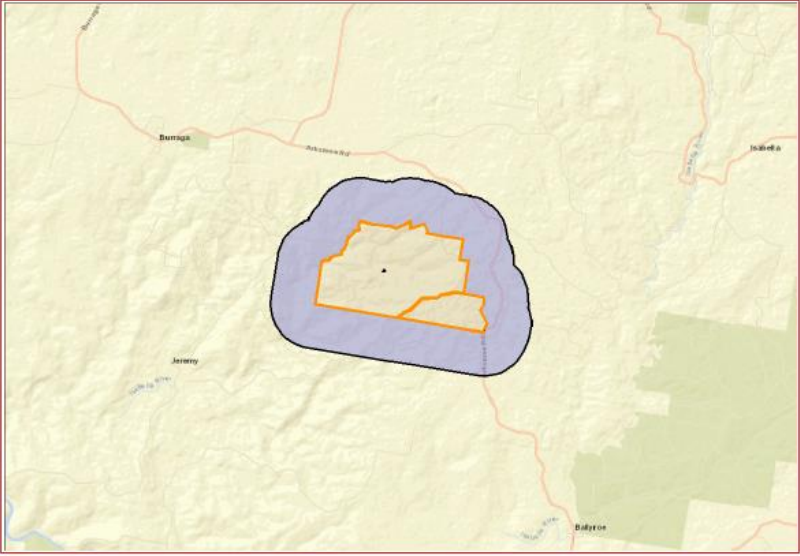
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Mark Hitchenson  
50 Inglis Street  
Mudgee New South Wales 2850  
Attention: Mark Hitchenson  
Email: mark@navigateplanning.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 95, DP:DP753036, Section : - with a Buffer of 1000 meters, conducted by Mark Hitchenson on 26 December 2022.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Earthworks associated with the development is limited to footings for the accommodation and amenities buildings and maintenance of the motorbike tracks. Given the small scale of earthworks associated with the development, it is unlikely that the development will uncover or impact any Aboriginal artefacts.

Based on the above, no further Aboriginal archaeological assessment is considered necessary for the development.

#### 4.8 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

Subdivision 3 of the Regulation relates to the installation of moveable dwellings on land other than land in caravan parks or camping grounds. The proposed accommodation buildings are considered moveable dwellings for the purpose of the Regulation and an approval under Section 68 of the Local Government Act 1993 is required.

Section 77 (a) of the Regulation provides for up to 2 caravans or tents to be installed on any land without if they are not occupied for more than 2 consecutive days and more than 60 days in a 12 month period.

**Comment:** The proposed moveable dwellings are not caravan or tents, therefore this section does not apply.

Section 77 (b) provides for 1 caravan to be installed on any land without approval if it is occupied by the owner in connection with the owner's dwelling house.

**Comment:** The proposed moveable dwellings are not caravans, therefore this section does not apply.

Section 77 (c) provides for a caravan to be installed on pastoral or agricultural land if the caravan is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land

**Comment:** The proposed moveable dwellings are not caravans, therefore this section does not apply.

Section 77 (d) provides for a moveable dwelling or associated structure to be installed on land to accommodate a person who has been displaced as a result of a natural disaster.

**Comment:** The proposed moveable dwellings are not to accommodate displaced persons, therefore this section does not apply.

Section 78 provides for the installation of caravan, campervan or tent without approval on a Crown reserve or land reserved or dedicated under the National Parks and Wildlife Act 1974.

**Comment:** The subject land is not Crown Land or reserved under the NPWS Act, therefore this section does not apply.

Based on the above, approval is required for the installation of the moveable dwellings.

#### 4.9 Environmental Planning and Assessment Act 1979 (NSW)

##### 4.9.1 Section 4.5 – Designation of consent authority

Pursuant to clause 4.5 (d) of the *Environmental Planning and Assessment Act 1979* (EPA Act), Oberon Council is the consent authority.

##### 4.9.2 Section 4.13 – Consultation and concurrence

Section 4.13 provides for an environmental planning instrument to identify where consultation or concurrence is required before determining a development application. There are no consultation or concurrence requirements for the development under any relevant environmental planning instrument.

##### 4.9.3 Section 4.15 – Evaluation

The following matters are relevant to the proposal under section 4.15 of the EPA Act. Detailed assessment against each of these matters is provided in Section 8 of this SEE.

##### **State Environmental Planning Policies**

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

- *State Environmental Planning Policy (Primary Production) 2021*

**Local Environmental Plans**

- *Oberon Local Environmental Plan 2013*

**Draft Environmental Planning Instruments**

Nil

**Development Control Plans**

- *Oberon Development Control Plan 2001*

**Planning Agreements**

Nil

**Environmental Planning and Assessment Regulation 2000**

Nil

**Impacts on the built environment**

The proposed development will not be visible from the public domain or from adjoining private property. Therefore, the proposal will have no detrimental impacts on the built environment.

**Impacts on the natural environment**

The proposed development will require some thinning of a relatively small area of native vegetation to meet asset protection zone requirements. The scale of clearing is minimal having regard to the amount of vegetation that will be retained on the subject land.

Potential impacts on the natural environment from the use of the existing motorcycle tracks will be neutral, as the scale of use will not be significantly greater than the existing private use of the tracks.

**Social and economic impacts**

The proposed modification will have positive social and economic impacts on the locality through the provision of a new recreational tourist facility in the local area, with minimal amenity and environmental impacts.

**Suitability of the site**

The site is considered suitable for the development for the following reasons:

- The site already contains motorcycle tracks, previously constructed for private use.
- The proposed accommodation will be located in an existing managed and relatively cleared area with minimal additional clearing required to maintain an asset protection zone.
- The development can be undertaken in full compliance with the relevant requirements of the OLEP 2013
- The proposal generally complies with the relevant controls in the ODCP 2001.
- The proposed development can be undertaken with minimal impacts on adjoining properties.

**The Public Interest**

The proposed development is in the public interest as it facilitates the provision of a new recreational tourist facility in an appropriate location and with minimal impacts on adjoining properties and the environment.



4.9.4 Section 4.46 – Integrated Development

Section 4.46 of the EPA Act identifies development that requires other approvals and is therefore integrated development. The development is integrated development as a bushfire safety authority is required under the Rural Fires Act 1997.

## 5 COMPLIANCE WITH PLANNING CONTROLS

### 5.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4 of this SEPP relates to the remediation of contaminated land. There are no known previous uses of the site that could have potentially caused contamination. The land is zoned rural but has no history of rural activities. The site is considered suitable for the proposed development.

### 5.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 of this SEPP relates to koala habitat protection and aims to conserve and manage areas of natural vegetation that provide habitat for koalas. The provisions apply to development on land greater than 1ha in size that is defined as potential koala habitat or core koala habitat. The definitions of potential and core koala habitat are copied below:

**potential koala habitat** means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

**core koala habitat** means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.

The development site is greater than 1ha in size and is considered to be potential koala habitat.

A Koala Assessment has been undertaken as part of the Site Ecological Statement for the development. The assessment confirms that the site is not considered core koala habitat as there was no koala activity during the site inspection and there has been no koala records within the 2.5 km buffer of the Lot.

In addition to other management measures addressed earlier in this report, the following measures are recommended to minimize the risks to koalas:

- If any tree needs to be removed it should be felled in a controlled manner using a vertical tree grab on an excavator and an experienced koala spotter should be present.
- Motorbike tracks will be searched at the beginning of each day for wildlife and potential safety issues. Speed reduction devices like chicanes, winding track design, speed warning or regulatory signs, may be used if necessary, to slow vehicles, on the one way perimeter track.

Clause 3.7 (3) (a) of the SEPP states that if the council is satisfied that the land is not core koala habitat, it is not prevented from granting consent to the development application.

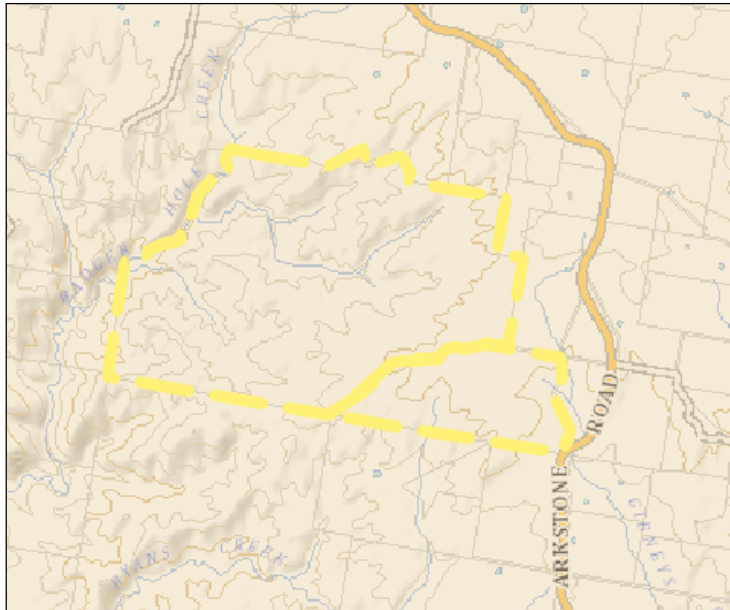
### 5.3 State Environmental Planning Policy (Primary Production) 2021

Chapter 2, Part 2.2 of this SEPP relates to State significant agricultural land. The subject land is zoned rural, but it is not viable agricultural land. The subject land is not identified on the Draft State Significant Agricultural Land Map. This SEPP therefore does not apply to the development.

## 5.4 Oberon Local Environmental Plan 2013

### 5.4.1 Zoning and zone objectives

The development is proposed on land included within the RU1 Primary Production zone under the *Oberon Local Environmental Plan 2013* (OLEP 2013), as shown on the map below.



Source: NSW Planning Portal

The objectives of the RU1 Primary Production zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To enable other forms of development associated with primary production activities, which may require an isolated location or which support tourism or recreational activities.

The proposal is considered to be consistent with the objectives of the zone as it provides for a tourism and recreation activity in a location and manner that will minimise conflicts with adjoining land uses.

### 5.4.2 Land Use Permissibility

Recreation facility (outdoor) is permitted with consent in the RU1 Primary Production zone. The proposed visitor accommodation is considered to be ancillary development.

#### **Justification of Ancillary Nature of Development (Visitor Accommodation)**

The Department of Planning, Industry and Environment Planning Circular PS13-001 *How to characterise development* contains the following guidance with regards to ancillary uses:

*“An ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept is important when a development involves multiple components on the same land. To put it simply:*

- *if a component serves the dominant purpose, it is ancillary to that dominant purpose;*
- *if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right. In such circumstances, the development could be described as a mixed use development.”*

The dominant purpose of the proposed development is the use of the motorcycle trails. The proposed accommodation and associated facilities will serve this dominant purpose as it provides an opportunity for trail users to stay overnight on the subject land and provides facilities for the convenience and comfort of visitors.

The proposed accommodation is solely for the use of persons visiting the site to use the motorcycle trails. The purpose of the proposed development is therefore recreation facility (outdoor) with ancillary accommodation and facilities.

The proposed development, if it were not ancillary to the use of the motorcycle trails, would best fit the definition of tourist and visitor accommodation. However, the development does not serve this purpose separately from the use of the motorcycle trails. Its only use is in conjunction with the use of the trails. Therefore, the proposed accommodation does not serve its own purpose.

Planning Circular PS13-001 provides the following considerations for characterising development:

- Is the component going to serve the dominant purpose of the development or is it independent?

**Comment** – As discussed above, the proposed development serves the dominant purpose of the land and is not an independent use.

- What is the amount of land to be used for a certain component, relative to the amount of land proposed to be used for other purposes? If the amount of land is relatively small, it is more likely to be ancillary.

**Comment** – The dominant purpose of the land is within an area of approximately 57ha. The proposed accommodation is within an area of approximately 3ha, being 5% of the total area containing the trails. The relatively small size of the proposed accommodation compared to the size of the dominant purpose supports the contention that the proposed development is ancillary.

- Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.

**Comment** – The sole use of the proposed accommodation by trail users supports the contention that the accommodation is an ancillary activity. The proposed accommodation is not inconsistent with the dominant purpose.

- If the component is temporary, it is more likely to be ancillary; if it is regular (that is, will constitute an ongoing use for a long period of time), it is likely to be an independent use.

**Comment** – The proposed development is a permanent development of the subject land but its use will be somewhat temporary or intermittent, as its use is limited to those times that persons visit the site to use the motorcycle trails.

- If the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be an independent use (regardless of whether it has ancillary qualities).

**Comment** – Given the remoteness of the site, there are limited opportunities for visitor accommodation in close proximity. It is therefore considered that the accommodation is a reasonable requirement to facilitate the successful operation of the motorcycle trails.

- Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.

**Comment** – Based on the discussion above, it can be determined that the proposed accommodation is an ancillary activity to the use of the motorcycle trails.

- Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although again not necessarily determinative.

**Comment** – The proposed accommodation is on the same land as the motorcycle trails and is already connected to the area of the trails by existing fire trails and a Crown Road.

#### 5.4.3 Lot Size

The land has a minimum lot size of 100ha. As the proposal is not for subdivision of land, the minimum lot size is not a relevant planning control.

#### 5.4.4 Heritage

The site does not contain a heritage item, is not in a Heritage Conservation Area and there are no heritage items in the vicinity of the land.

#### 5.4.5 Flood planning

Clause 5.21 of OLEP 2013 requires consideration of the impacts on a development by flooding and of the impacts of development on flood behaviour. The subject land is not flood prone.

#### 5.4.6 Earthworks

Clause 6.1 of OLEP 2013 requires separate development consent for earthworks unless the earthworks are ancillary to other development for which development consent has been given. Earthworks for building footings are included as part of this development application.

#### 5.4.7 Essential Services

Clause 6.4 of OLEP 2012 requires consideration of the provision of essential services to development. The proposed development will provide on-site water and wastewater and solar power. Stormwater can be adequately managed on site. Suitable vehicular access is available.

### 5.5 Oberon Development Control Plan 2001

The following provisions of the *Oberon Development Control Plan 2001* (ODCP 2001) are relevant to the proposed development:

#### 5.5.1 Part A.2 – Rural Development Generally

Control	Requirement	Comment
<b>A2 RURAL DEVELOPMENT GENERALLY</b>		
	<b>A2.1 General Policy</b>	
	a) Non agricultural development, including dwellings, should be located on land that is not prime crop and pasture land, unless there are no alternative suitable sites.	The subject land is not prime crop or pasture land.
	b) Non agricultural development, particularly dwellings, should be sited and carried out	The proposed development will not cause land use

	so that it is unlikely to inhibit or give rise to complaints about normal farming and forestry practices (eg pine harvesting, crop and weed spraying, separation from noxious odours etc).	conflicts with surrounding farming or forestry activities.
	c) Non agricultural development should be carried out in a way that minimises any adverse effects on adjoining land – particularly by way of:- i) Land degradation. ii) Alteration of drainage patterns. iii) Pollution of ground water. iv) Spread of noxious plants and animals. v) Increased fire hazard.	The proposed development will not cause land degradation, alteration of drainage patterns or pollution of ground water. The facility can be managed to minimise potential spread of noxious plants and animals and bush fire risk.
	d) Development which assists the process of farm build-up and the strengthening of the family farm unit, including development which enables revenue to be raised for farm build up, is encouraged.	Not applicable.
	e) Non agricultural development should be located and carried out in a manner that minimises the likelihood of added costs to ratepayers of the Shire as a result of the development	The proposed development will not increase demand on Council facilities or services.
	f) Sustainable development that generates employment in the Shire is encouraged	Noted.
	<b>A.2.2 Basic Information Requirements</b>	Appropriate reports have been prepared for the development application.
	<b>A.2.3 Application for Buildings</b>	Development consent is required for the buildings.
	<b>A.2.4 Applications for Subdivision</b>	Not applicable.
	<b>A.2.5 Applications for On-site Effluent Disposal</b>	An effluent disposal investigation report has been submitted with the development application.
	<b>A.2.6 Specific Aspects</b> <b>a) Prime Crop and Pasture Land</b>	The subject land is not prime crop or pasture land.
	<b>b) Concentration of Non Agricultural Use</b>	The proposed development will not inhibit or restrict farming or forestry activities on adjoining land.  The proposed development will not increase demand for public services or infrastructure.

	<b>c) Dwellings</b>	Not applicable.
	<b>d) Land Degradation</b>	The proposed development involves minimal earthworks for building footings and on-site effluent management. The extent of earthworks proposed will not cause land degradation.
	<b>e) Siting of Water Tanks</b>	Water tanks will not be located on visually prominent land.
	<b>f) Buffer Distances</b>	The proposal is not for residential development. In any case, the proposed development is not located within the buffer distances outlined in the DCP.
<b>A3 HAZARDS</b>		
	<b>A.3.1 Flooding</b>	Not applicable
	<b>A.3.2 Bush Fire</b>	The subject land is bushfire prone. A bushfire assessment report has been provided with the development application.
	<b>A.4.1 Road Contributions</b>	Noted
	<b>A.4.2 Stormwater Drainage</b>	Stormwater from roof areas will be discharged to rainwater tanks with overflow directed away from the buildings and effluent disposal area.
	<b>A.4.3 Building Setback from Roads</b>	The proposed buildings will have a significant setback from Arkstone Road and will not be visible.
	<b>A.4.4 Development Fronting Main Roads</b>	Not applicable.
	<b>A.4.5 Consultation with other Authorities</b>	Noted.

5.5.2 Part C – Residential Development

Control	Requirement	Comment
<b>C10 TOURISM DEVELOPMENT</b>		See Section 5.5.3 below.
<b>C11 MOTELS, HOSTELS AND HOLIDAY CABINS</b>		
	<b>C.11.1 General</b>	Noted
	<b>C.11.2 Density Control</b>	Complies.
	<b>C.11.3 Motel Units And Cabins</b>	The proposed accommodation buildings are sleeping quarters only, with no living space. The common recreation building provides shared living space. A large area of outdoor recreation will be available for guests in the vicinity of the accommodation buildings.
	<b>C.11.4 On Site Parking</b>	Adequate parking is available on site for guests.
	<b>C.11.5 Hostels</b>	Not applicable.
	<b>C.11.6 Hostel Access</b>	Not applicable.
	<b>C.11.7 Landscaped Area</b>	Adequate landscaped area is available for guests in the vicinity of the accommodation units.
	<b>C.11.8 Garbage</b>	The operator of the facility will manage waste generated from the use.
	<b>C.11.9 Vehicle Movements</b>	Adequate vehicle manoeuvring is available in the car parking area.
	<b>C.11.10 Pedestrian Movements</b>	Gravel pathways can be provided between the parking area, the accommodation buildings, the amenity building and the recreation building.
	<b>C.11.11 Sound Proofing</b>	The proposed accommodation units can comply with the Building Code of Australia.
	<b>C.11.12 Other Matters</b>	Not applicable.
<b>C12 CARAVAN PARKS AND CAMPING GROUNDS</b>		Not applicable.

## 5.5.3 Part G – Tourism

Control	Requirement	Comment
<b>G.1 CITATION</b>		
	<b>G.1.1 Introduction</b>	Noted.
	<b>G1.2 Tourism Development</b>	Noted.
<b>G2 AIMS AND OBJECTIVES</b>		
	<b>G.2.1 The Aims Of This Plan</b>	The proposed development provides a suitable form of accommodation having regard to the nature of the site and the proposed activity.
	<b>G.2.2 The Objectives Of This Plan</b>	The proposed development is located in a remote rural area with few alternative tourist/recreational activities or accommodation options. The proposal can be operated with minimal amenity impacts and waste, health and fire risk issues can be appropriately managed.
<b>G.3 LAND TO WHICH THIS PLAN APPLIES</b>		Noted
<b>G.4 BED AND BREAKFAST AND SINGLE DWELLING TOURIST ACCOMMODATION</b>		Not applicable.
<b>G.5 DEFINITIONS</b>		Noted
<b>G.6 DEVELOPMENT CONSIDERATIONS</b>		
	a) The proposed tourism development is to have some element of building design, location or feature of appeal to tourists and visitors; i.e. heritage architecture, streetscape amenity, rural ambience.	The proposal seeks to use demountable buildings for the accommodation, amenities and recreation buildings. Given the nature of the use and the fact that the buildings will not be visible from any public place, it is considered that the proposal is satisfactory.
	b) For urban sites, off-street car parking is to be provided at the rate of 1 space for resident parking and 1 space for each two guest rooms. Care is to be	Not applicable.



	taken with the siting of car park areas, so as to retain the residential character of the area, and to reduce noise impact upon neighbouring properties. The stack parking of vehicles is acceptable.	
	c) Meals are to be able to be provided for guests. Approval to operate a tourist accommodation does not incorporate approval to operate refreshment rooms. Such use will need to register with the Council as food premises	Barbeque facilities will be provided for guests. A refreshment room is not proposed.
<b>G.7 HEALTH STANDARDS</b>		
	A. Unless otherwise approved by Council toilet and bathroom facilities for guests and residents shall be provided at the rate of 1 toilet and bathroom for each 3 bedrooms within the establishment.	Adequate bathroom facilities are proposed to be provided.
	B. For guest bedrooms, a minimum of 5.5 m <sup>2</sup> , (approx. 1.5 m x 3.6 m) of floor area is required for each person excluding children under the age of five (5) years.	The proposed accommodation buildings are for sleeping only. Given the nature of the use, guests will predominantly be outdoors. This control is therefore not considered relevant to the proposal.
	C. The tourist establishment shall be operated in a manner which has regard to the amenity of the neighbourhood. It is expected that noise levels generated by the development proceeding shall be in keeping with those normally experienced in the locality.	While the proposal is principally for motorbike riding, the remote location, existing topography and vegetation and distance to surrounding residences, the proposal will have no negative impact on the amenity of the area. It is noted that the motorcycle tracks exist and have been in use for private enjoyment for many years with no noise complaints received.
	D. On-site waste water disposal system. The capacity and efficiency of existing or proposed septic tank/waste water disposal system is to be adequate for the approved occupancy rate.	An effluent disposal assessment has been undertaken for the development.
	E. Sound transmission. To minimise disturbance, walls separating guest	Given the accommodation buildings are for sleeping

	rooms from other habitable rooms should have a Sound Transmission Class of 45. Walls separating bedrooms from either a bathroom, water closet, kitchen or laundry, other than an ensuite bathroom attached to and opening only to the guest bathroom, should have a sound transmission class of 50.	only, it is considered that this control is not relevant to the proposal.
	F. Kitchen.	Cooking will be undertaken in an outdoor barbeque area only. This control is therefore not applicable.
<b>G.8 FIRE SAFETY</b>	The building must comply with the Building Code of Australia. If it is an existing building it needs to be upgraded to comply with the BCA or a BCA audit completed and any deficiencies reasonably addressed to ensure the objectives of the building code have been adequately addressed. Kitchen. A 1.2 x 1.2.m fire blanket and a 2.0kg ABE dry power Portable Extinguisher are to be suitably wall mounted within the kitchen area, with clear instructions for use of each item. Smoke Detectors. Approved single-station smoke detector alarms (connected to a permanent 240 volt electricity supply with a battery operated backup devise are to be installed in all bedrooms and associated hallways. (This is a requirement of the Building Code of Australia.)	The proposal will comply with the relevant requirements of the Building Code of Australia. Fire extinguishers and blankets and smoke detectors will be provided where required.
<b>G.9 SUBMISSION OF A DEVELOPMENT APPLICATION</b>		A development application is required for the proposed development.
<b>G.10 ADVERTISING SIGNS</b>		Not applicable.
<b>G.11 INSPECTIONS</b>		Noted.
<b>G.12 EARLY DISCUSSION</b>		Noted.

5.5.4 Part I – Rural Development

Control	Requirement	Comment
<b>I.3 GENERAL DEVELOPMENT POLICY</b>		
	Council is concerned to ensure that development in the 1(a) and 1(c) zones is carried out in a way that maintains rural/residential amenity, and minimises land degradation while enabling a range of land uses.	The proposed development will have minimal impacts on the rural amenity of the locality.  The proposed development will not cause erosion, water or air pollution, offensive noise or odour, or detrimentally affect any rural vistas.
<b>I.4 BUILDINGS</b>		
	<b>I.4.1 Considerations</b>	Not applicable.
	<b>I.4.2 Guidelines For Siting Of Buildings</b>	The proposed buildings are appropriately located on the site.
	<b>I.4.3 Building Lines</b>	The proposed development has adequate setbacks to adjoining properties to minimise land use conflicts and visual impacts.
	<b>I.4.4 Building Standards</b>	The development can comply with the BCA.
<b>I.5 SUBDIVISION</b>		Not applicable.
<b>I.6 RURAL 1(C) REZONING APPLICATIONS</b>		Not applicable.
<b>I.7 PROVISION OF SERVICES</b>		
	<b>I.7.1 General Policy</b>	All weather access is available to the site. On-site water, effluent management and solar power will be provided.
	<b>I.7.2 Drainage</b>	Stormwater from roof areas will be discharged to rainwater tanks with overflow directed away from the buildings and effluent disposal area.
	<b>I.7.3 Electricity Supply</b>	The accommodation units will be supplied with solar power.
	<b>I.7.4 Telephone Service</b>	Not applicable.

	<b>I.7.5 Garbage</b>	Not applicable.
<b>I.8 EROSION CONTROL</b>		Minimal disturbance of earth is required for the development with excavation for footings and effluent disposal only.
<b>I.9 BUSHFIRE CONTROL GUIDELINES</b>		The subject land is bushfire prone. A bushfire assessment report has been submitted with the development application.
<b>I.10 VEGETATION AND TREE PLANTING</b>		Significant vegetation will be retained on the subject land. Any future landscaping will be in accordance with the relevant requirements of Planning for Bushfire Protection 2019.

## 6 CONCLUSION

The proposed development is for the commercial use of existing private motorbike trails and the installation of ancillary demountable buildings to provide visitor accommodation and facilities on land at Lot 95 in DP753036, 3117 Arkstone Road, Isabella.

The subject land is zoned RU1 Primary Production under the Oberon Local Environmental Plan 2013 (OLEP 2013). The principal use, being motorbike riding on the existing tracks is defined as recreation facility (outdoor) under OLEP 2013. This use is permitted with consent in the RU1 zone. The provision of visitor accommodation and facilities is ancillary to the principal use.

The development is not “state significant development”, “regionally significant development”, “designated development” or “integrated development”.

The proposed development is considered worthy of approval as it creates a new tourist recreation facility in a remote location with no residential dwellings in close proximity. The facility can be managed to minimise environmental impacts and the risks associated with natural hazards.

## **APPENDIX 1 – OPERATIONAL MANAGEMENT PLAN**

### **INTRODUCTION**

This Operational Plan of Management sets out the management procedures for the operation of the motorcycle trails and accommodation facility to ensure the safe and effective management of the facility and to minimise impacts on surrounding properties and the environment.

### **OPERATIONAL MANAGEMENT DETAILS**

#### **Facility Manager**

The Facility Manager is responsible for the management of the facility and will be contactable at all times whilst guests are at the premises.

#### **Hours Of Operation**

The motorcycle trails will be in use only between the hours of 8.00am to 6.00pm Monday to Sunday.

#### **Transport to and from the Site**

Due to the location of the facility transport will be by private conveyance. Upon booking, guests will be emailed a map of the area identifying the site entry and the location of the car parking area.

Guests will arrive via Arkstone Road and follow internal directional signage to the carpark.

Guests will be advised to bring recreational motorcycles to the site on the back of utes or in trailers as no recreational motorcycles will be permitted to be ridden on the access track from Arkstone Road.

#### **Induction**

The Facility Manager will meet and greet all guests upon arrival, take them for a walk through the accommodation, amenities and recreation buildings and the cooking area (barbeque).

Guests will be informed that the Recreation Building is the Emergency Meeting Place and advised of safety and emergency procedures to be undertaken in the event of a fire, injury, snake or spider bite. The procedures will be posted on the wall in the Recreation Building.

The location of fire extinguishers will be highlighted to guests.

Guests will be shown the First Aid Room in the Recreation Building to attend to minor injuries.

Guests will be shown a map of the property with all tracks and emergency exit/meeting points and provided with a copy of the map to carry with them at all times.

Guests will be advised where the property boundaries are and advised not to trespass on adjoining properties.

Guests will be shown a map of primary and alternative routes to exit the site in the event evacuation is required due to an emergency. If evacuation is not the safest option, guests will be advised that the Recreation Building will be the shelter-in-place venue.

Guests will be advised that no campfires are to be lit on the premises, other than by the Facility Manager in the designated metal fire pit.

#### **Track Inspection**

At the beginning of every day and following any storm event, the Facility Manager will inspect all tracks to identify any fallen trees or other obstructions on the tracks.

If the tracks are clear, all guests will be taken on a tour of the tracks before general use of the tracks can commence.

If any track has been obstructed, the Facility Manager will close the track/tracks and inform all guests of the closure until such time as the obstruction has been removed.

### **Number Of Riders**

The maximum number of riders at any one time will be 30.

### **Minors and Designated Responsible Adults**

All minors attending the site must be accompanied by a Designated Responsible Adult. Where that adult is not the legal parent or guardian, a permission form must be completed by the legal parent or guardian.

The permission form will outline:

- The name of the Designated Responsible Adult
- Any food allergies, medications or other medical issues that the minor has
- Any conditions on the attendance of the minor at the site
- Contact details of the legal parent or guardian.

The designated responsible adult will be responsible for ensuring the details and conditions outlined on the permission form are complied with. Where it is appropriate to do so, the designated responsible adult will inform other guests of the details and conditions of the minor's attendance (while maintaining the personal privacy of the minor).

The Facility Manager will oversee the adherence to the details and conditions of the permission slip by the designated responsible adult and take action if the details and conditions are not being adhered to, including informing the legal parent or guardian.

### **Pets**

Guests will be advised upon booking that pets are not permitted to be brought to the site.

### **Food and Alcohol**

All food and alcohol to be consumed on site will be brought by the guests. Barbeque facilities will be provided for cooking.

Minors will not be allowed to consume any alcohol on the premises.

The Facility Manager will be responsible for maintaining the cleanliness and safe operation of the barbeque facilities.

The Facility Manager will inform guests of their responsibilities in relation to the consumption of food and alcohol, including:

- keeping cooking and preparation areas clean and tidy to avoid the attraction of vermin and native animals
- minimising the consumption of alcohol to avoid intoxication
- using the waste bins provided.

### **Noise Management**

The Facility Manager is responsible for ensuring noise levels do not cause amenity impacts on surrounding residences.

Motorcycle riding will not be permitted during the hours of 6.00pm and 8.00am on any day. A speed limited area will be applied to part of the track as identified in the Noise Impact Assessment and this will also apply to the use of motorcycles travelling to and from the accommodation area. Motorcycles will not be permitted to be ridden along the access track from Arkstone Road.

Any required maintenance of motorcycles within the accommodation area will be limited to daylight hours.

No amplified music will be permitted to be played between the hours of 10.00pm and 8.00am on any day.

Guests will be asked to enter and leave the site in a quiet manner.

A Complaints Management Procedure will be established for neighbouring residences to alert the facility manager of any noise concerns (see below).

### **Guest Behaviour**

The Facility Manager will inform guests of their responsibility to behave in a respectful manner to all other guests, to be mindful of the amenity of surrounding residences, to protect the environment and to follow all directions issued by the Facility Manager.

Anyone exhibiting violent or unruly behaviour that may place them or another person at risk will be asked to leave the site. Police may be contacted to remove the offender.

Any guest making excessive noise (such as playing loud music) will be asked to turn the volume down.

Any guest that causes wilful damage or destruction to the facility or to the environment will be asked to leave the site.

Any guest that refuses to follow the reasonable instructions of the Facility Manager will be asked to leave the site.

Guests that repeatedly behave in an inappropriate manner will be informed that they may be subject to a ban on future bookings.

### **Waste Management**

Waste bins will be provided in appropriate locations. With secure lids, they will not emit any odours or attract vermin or native animals.

Waste removal will be undertaken by the Facility Manager as and when required. Bins marked for general rubbish will be taken to Burruga Waste Management Station to be emptied. Bins marked for Glass/ Plastic and Cans will be taken to Oberon for Recycling.

The operation and management of the on-site wastewater system will be monitored and managed by the Facility Manager. The effluent disposal area and tank shall be maintained to ensure it is protected against vehicle damage. The use of the system shall comply with the section 68 Approval granted by Council and any subsequent approval for the operation of the system.

### **Complaints Management**

In the first instance all complaints should be directed to the Facility Manager for action.

All surrounding property owners will be provided with the Facility Manager's details to contact if concerns arise regarding noise or other impacts.

All complaints will be recorded along with actions taken to resolve the complaint.

The complainant will be advised of the action taken and asked to let the Facility Manager know if the problem persists.

If the complaint is about something that cannot be rectified immediately, the Facility Manager will:

- advise the complainant that the complaint and their contact details have been recorded
- advise the complainant of the plan to resolve the complaint, including a timeframe
- request that the complainant contact the Facility Manager if the matter reoccurs.

### **Emergency Management**

On becoming aware of an emergency, the Facility Manager will assess the situation and make decisions concerning the need to evacuate the site.

If an emergency requires evacuation of the site, all guests will be located and advised to assemble at the Emergency Meeting Place, if it is safe to do so. An alternative Emergency Meeting Place will be identified if required.

Depending on the nature of the emergency, the Facility Manager will identify and inform guests of the safest evacuation route. There are three well-maintained all-weather roads that will act as Emergency Exits if needed:

- The first emergency exit is the entrance in, which is directly east onto Arkstone Rd.
- The second emergency exit is directly north and heads up the boundary fence and has a direct road that takes you out of the property.
- The third emergency exit heads south till it hits the boundary of the property at Arkstone Road.

The Facility Manager will ensure that all guests are accounted for and direct them to the safest evacuation route, ensuring that any mobility impaired persons are adequately assisted.

The Facility Manager will carry out a final check of the area and then evacuate.

If evacuation is not the safest option, guests will be instructed to shelter in place in the Recreation Building.

### **Medical Emergencies**

In the event of an incident resulting in personal injury or some other medical emergency occurring, the Facility Manager must be notified as soon as practicable.

If the matter is serious, any person in attendance must immediately call 000 and remain at the scene to warn other guests of the incident to ensure no further injuries occur.

Once informed, the Facility Manager will designate a person to meet the Ambulance in the car park to provide details and location of the incident. If a helicopter is required, there is a grassed area near the accommodation area clear enough for a helicopter to land.

The Facility Manager will attend the site of the incident. To assist the Facility Manager locate the scene of the incident, the tracks will be numbered and signed posted on trees every 200 metres.

If the matter does not require emergency assistance, the injured person shall be safely taken to the first aid room in the Recreation Building. The Facility Manager will re-assess the situation and determine whether emergency assistance is required.

Once the injured person is stabilised, the Facility Manager will investigate the scene of the accident and take photos for the purpose of any future investigation. Details of the incident must be recorded in an incident register.

Depending on the nature of the incident and the location, the Facility Manager may close the track or other area or take appropriate action to rectify the situation to prevent further incidents.

### **Bushfire Emergencies**

The site is mapped as Bushfire Prone Land. Given this potential risk, a series of triggers have been provided depending on various fire and weather scenarios, including for cancellation of the event due to instruction from the Rural Fire Service (RFS) or at the discretion of the Facility Manager.

On days declared by the RFS as having "extreme" or "catastrophic" fire danger rating, the facility will be closed to guests until such time as the fire danger rating has ceased.

If a declaration of catastrophic fire danger rating is made while guests are at the site, preparations shall be made to evacuate guests should a fire threaten the site.

Guests will be advised that no campfires are to be lit on the premises, other than by the Facility Manager in the designated metal fire pit. The fire pit will not be used on a declared day of total fire ban.



The Facility Manager will undertake maintenance of the Koromira Fire Trail to ensure it remains accessible by fire fighting vehicles.

In preparation for, and during, the bushfire season, the Facility Manager will:

- ensure the Asset Protection zone is maintained in accordance with the requirements of Planning for Bushfire Protection 2019
- test all fire response systems to ensure they are in working order.
- check emergency equipment and first aid resources are available and operational (battery radio, mobile telephone)
- communicate the bushfire preparedness and evacuation arrangements and fire danger ratings with guests
- consult with the NSW RFS regarding evacuation arrangements and the shelter in place option
- provide updated contact details including a mobile number for emergency contact after hours to local Emergency Services and Police
- monitor information sources for bushfire conditions
- know the Fire Danger Ratings for the area
- use “Fires Near Me App” to check fires within the vicinity of the site
- stay alert for warnings such as Bushfire Alert Levels issued by the RFS
- watch for signs of fire, especially smoke or the smell of smoke
- call the RFS Bushfire Information Line on 1800 NSW RFS (1800 679 737)

#### **Controlling Trespassing**

A sign will be placed at the property entrance stating ‘Private Property, No Trespassing’.

Guests will be advised where the property boundaries are and advised not to trespass on adjoining properties.

#### **Environmental Management**

The Facility Manager will ensure that the following environmental management measures are implemented:

- Motorcycles will only be permitted to use marked trails.
- Visitors will not be permitted to bring dogs to the site. Any domestic animals will be controlled to restrict their movement and limit impacts to native fauna.
- Motorbike track use will only be permitted during daylight hours (unless necessary for an emergency situation).
- If any tree needs to be removed it should be felled in a controlled manner using a vertical tree grab on an excavator and an experienced koala spotter should be present.
- Motorbike tracks will be searched at the beginning of each day for wildlife and potential safety issues.
- If wild dogs become a problem, contact Local Land Services for information and assistance.





Our reference: P6904.002L 3117 Arkstone Road Isabella TIS

**7 March 2025**

Navigate Planning

Attention: **Mark Hitchenson**

Sent via email: [mark@navigateplanning.com.au](mailto:mark@navigateplanning.com.au)

Dear Mark,

**RE: TRAFFIC IMPACT STATEMENT: RECREATION FACILITY (OUTDOOR) DEVELOPMENT  
3117 ARKSTONE ROAD, ISABELLA**

**1. Introduction**

This letter has been prepared in response to the Conditions of Approval issued by Oberon Council (Council) in relation to the proposed Recreation Facility (outdoor) development located at 3117 Arkstone Road, Isabella (subject site).

Specifically this letter addresses the following condition applied to the development consent:

*“The applicant shall engage a suitably qualified traffic engineer to determine the appropriate sight distance in accordance with the AUSTROAD standard for the proposed entry/exit. If appropriate sight distance cannot be obtained that a new entry/exit be provided that satisfies the required standard.”*

**2. Sight Distance Assessment**

A sight distance assessment was undertaken in accordance with Council’s *Development Control Plan (DCP) (2001)*. Council’s DCP refers to the Transport for New South Wales (formerly known as Roads and Maritime Services) requirements which outlines compliance with Australian Standards AS2890.1 and/or Austroads *Guide to Road Design: Part 4a (AGRD4a) (2023)*.

Generally, the Austroads Guides are used to assess public roads / intersections and not private vehicular accesses. Given the proposed access is a private vehicular crossover and not a public intersection, the sight distance assessment has been undertaken in accordance with AS2890.1 as outlined in Table 2.1.

Furthermore, the proposed driveway access is a “Crown road” and is generally not part of the formal road network and typically does not receive the same level of maintenance or infrastructure as Council-controlled roads.

**Table 2.1: Access Sight Distance Assessment**

Access	Direction	Posted Speed	Sight Distance		Compliant
			Available	Required	
Arkstone Road	North	100km/h	190m	160m	Yes
	South		190m		Yes

An aerial of the available sight lines at the development access is shown in Figure 2.1.



SOURCE: Google Earth

### Figure 2.1: Sight Line Requirements

As shown, ample sight lines are available from the proposed access in accordance with the requirements of Council's *Development Control Plan (2021)* and Australian Standards AS2890.1.

The proposed development's vehicular access location is therefore not expected to introduce any adverse traffic conditions.

### 3. Concluding Statement

I trust that the assessment provided herein is sufficient to respond to Council's Conditions of Approval in relation to the access sight distances and will allow Council to prepare reasonable and relevant Conditions of Approval.

Yours faithfully,



**Johei Imai**  
**Senior Traffic Engineer & Transport Planner**  
 B ENG (CIVIL)  
 BITZIOS CONSULTING

**13.5 Black Springs Recreation Ground Landscape Masterplan**

File No: Black Springs Recreation Ground

Author: Damian O'Shannassy (Planning and Development Director)

**Summary/Comments**

Council upon receipt of representations from the Black Springs Community Association Inc (BSCA) engaged OUTSCAPE on behalf of BSCA to prepare a Concept Landscape Masterplan for the Black Springs Recreation Ground.

A site inspection on 15 February 2024 was undertaken by Outscape, Council staff, Councillor Hayden and members of BSCA. Following this inspection a detailed list of inclusions for the Master Plan was provided to Outscape and a site inventory taken.

An initial community consultation including a presentation by Outscape took place on Saturday 6 July at the Black Spring Hall as a session was available for residents to drop in and provide comments.

Following the initial consultation a further consultation took place on 12 December 2024 with the local community again at the Black Springs Hall. A preliminary Master Plan at a scale of 1:1000 was provided to the community. The plan was put on display for the community to consider at the hall during December 2024 and January 2025 and to provide comments by the end of January 2025.

The final draft Black Spring Landscape Master Plan is now provided to Council for endorsement to be placed on exhibition to the whole Oberon Local Government Area.

The final plan once endorsed will guide future development of the Black Springs Recreation Ground, when funding is available to implement the recommendations of the Master Plan.

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**Recommendation:**

That:

1. Council place the Draft Black Springs Recreation Ground Masterplan on public exhibition for a minimum period of 28 days;
2. Upon completion of the exhibition period a further report be provided to Council outlining submissions received.

---

**List of Attachments**

1. Black Springs Recreation Ground final draft Master Plan [13.5.1 - 1 page]
2. survey 2467-det-mga-grey [13.5.2 - 1 page]

**Financial Implications**

This project has been undertaken utilising Village fund allocation.

**Relevance to Oberon Community Strategic Plan**

**Theme 1: Community Well Being**

*Action 1.2 Meet the social, cultural and physical activity needs of the community*

1.2.16 Maintain and develop sporting facilities and grounds

**Theme 3: Caring for the Environment**

*Action 3.2 Work with other agencies to protect fauna and biodiversity*

3.2.1 Provide regulatory services required by the Environmental Planning and Assessment Act 1979 and other legislation

**Theme 4: Infrastructure and Services**

*Action 4.3 Provide infrastructure which encourages the use of sustainable transport, such as cycle ways and walking tracks*

4.3.2 Improve current facilities, cycleways and walking tracks

**Theme 5: Leadership and Engagement**

*Action 5.1 Partner with local communities to create an ongoing culture of engagement to aid Council decision making*

5.1.5 Community input on the provision of services and future planning

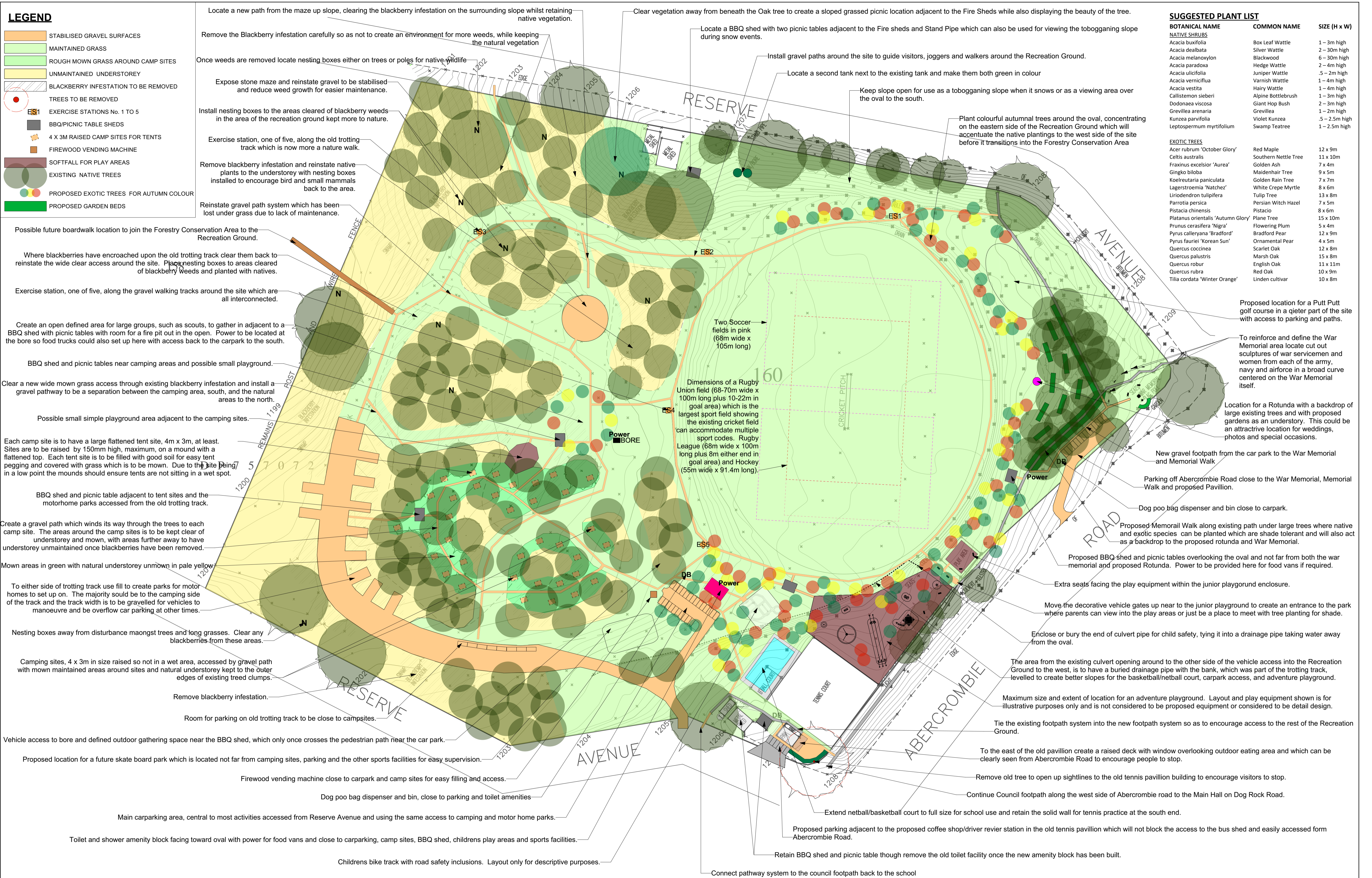
**Risk Category**

Environment

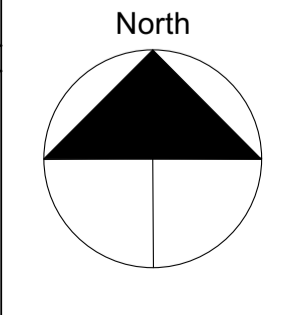
Public Image and Reputation

**Risk Severity Ranking**

Insignificant - 20%



REVISION	ISSUE	DATE	COMMENT
A		20/02/2025	FINAL MASTER PLAN FOR ADOPTION AFTER FEEDBACK FROM COMMUNITY CONSULTATION DISPLAY AND PRESENTATION



PRINCIPAL LANDSCAPE ARCHITECT - CATRIONA GLANVILLE, B.L.ARCH (UNSW), R.L.A., CERT. HORT(DIST), A.I.L.D.M.

**OUTSCAPE** Landscape Architects

"Arramagong West", 1841 Mary Gilmore Way, GRENFELL NSW 2810

T: (02) 6343 8220 F: (02) 6343 8288 E: info@outscape.net.au W: www.outscape.net.au

CLIENT **OBERON COUNCIL AND BLACK SPRINGS PROGRESS ASSOCIATION**

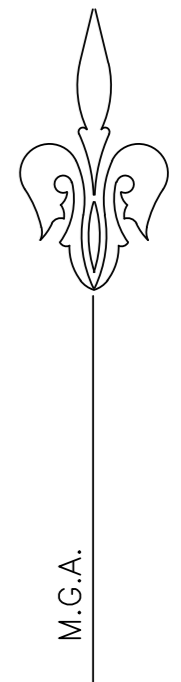
PROJECT **RECREATION GROUND RESERVE AVENUE BLACK SPRINGS**

DRAWN **CJG** DESIGNED **CJG** CHECKED **CJG** SCALE **1:1000 @ A1**

TITLE **LANDSCAPE MASTER PLAN**

DATE **20/02/2025** PROJECT NO **24/26** REV **A**

DRAWING NO **1 OF 1**



SERVICES SHOWN HEREON HAVE BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. SERVICES NOT VISIBLE OR BELOW GROUND HAVE NOT BEEN LOCATED.  
 PRIOR TO ANY EXCAVATION ON SITE THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATIONS OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES.

DRAWING: 2467.DWG	HORIZONTAL SCALE 1:1000	<b>PLAN SHOWING DETAILS OF LOT 160 IN DP 757072</b>	CENTRAL WEST SURVEYING PTY LTD	LOCALITY BLACK SPRINGS L.G.A. OBERON COUNTY WESTMORELAND PARISH SWATCHFIELD
SURVEY BY: C.G.	VERTICAL SCALE			
CALCS BY: C.G.	CONTOUR INTERVAL 0.2	DATE: 30.08.2024	<b>JOB NO. 24/67</b>	
CHECKED BY: F.G.	DATUM A.H.D.			



**13.6 Village Fund Request**

File No: CSD/Finance/Donations

Author: Mathew Webb (Corporate Services Director)

**Summary**

A request has been received from the Black Springs Community Association (BSCA) to drawdown village funds for a sheltered park setting, following progress on the Black Springs Recreation Ground Masterplan. Due to cost increases, additional funding is required, with a proposed budget adjustment for consideration. This report is presented to Council for review and decision.

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**Recommendation:**

That Council:

1. Approve the request from Black Springs Community Association to drawdown the FY24/25 Village Fund allocation to complete the purchase of the park setting.
  2. Provide an additional \$309 from the FY24/25 Parks and Gardens maintenance budget to support the purchase in the current financial year
  3. Reduce the FY25/26 Black Springs Village Fund allocation by \$309 to offset the additional expenditure.
- 

**List of Attachments**

Nil

**Comment**

In February 2024, Council received a funding request from the Black Springs Community Association (BSCA) to use the FY24/25 Village Fund allocation for a sheltered park setting at Black Springs Recreation Ground. At the time, discussions were held with BSCA to defer the request until the completion of the Black Springs Recreation Ground Masterplan.

Following ongoing input from BSCA and the broader Black Springs community, the masterplan is now being presented to Council for formal feedback and exhibition. BSCA has confirmed its intention to proceed with the drawdown of the remaining \$5,000 from the Village Fund for the purchase.

Correspondence from BSCA indicates that due to cost escalations, the total purchase cost has increased to \$5,309 (excluding GST). BSCA has requested Council to fund the additional \$309, citing price increases since the initial cost estimate obtained 12 months ago.

To ensure equitable allocation of Village Funds, it is proposed that the additional \$309 be sourced from the Parks and Gardens Maintenance Budget in FY24/25 and recouped through a corresponding reduction in the FY25/26 Black Springs Village Fund allocation. This approach enables timely project completion while maintaining fairness across village funding allocations.

**Financial Implications**

- \$5,000 is held as a committed allocation in the Village Fund Reserves.
-

- The additional \$309 will be sourced from the Parks and Gardens Maintenance Budget in FY24/25.
- The FY25/26 Black Springs Village Fund allocation will be reduced by \$309 to offset the expenditure.

**Relevance to Oberon Community Strategic Plan**

**Theme 1: Community Well Being**

*Action 1.2 Meet the social, cultural and physical activity needs of the community*

1.2.19 Maintain community halls and coordinate use of facility for user groups

**Risk Category**

Financial

**Risk Severity Ranking**

Insignificant - 20%

## 14 REPORTS FOR INFORMATION

### **14.1 Monthly Activity Report General Manager - February 2025**

File No: Governance/Meetings/Ordinary

Author: Gary Wallace (General Manager), Hannah Booth (Records and Communications Coordinator), Sharon Swannell (Governance and Executive Manager), Julie Baker (Library Manager), Rebecca Burgess (Work Health Safety and Risk Manager)

#### **Summary**

This report item summarises the main activity by the General Manager since the last report. Items include Human Resources, Workplace Health & Safety, Community Activity, Regional Issues, Executive Management Team Meetings and planned activities.

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#### **Recommendation:**

That report Item 14.1 is received as information.

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#### **List of Attachments**

Nil

#### **1. PLANNED ACTIVITY**

POST LOCAL GOVERNMENT ELECTIONS – work continues on the development of a number of strategic documents that have been workshopped with Councillors or programmed over the next two months. They include:

- Oberon Council WHS Induction and Councillor Handbook
- Councillor and Staff Interaction Policy
- Development of the new Councillor Portal
- Overview of s355 Manual
- Model Code of Meeting Practice
- Planning Overview
- Finance Overview
- Central NSW Joint Organisation – New Councillors Workshop
- Reserves Workshop and Overview
- Management of the Oberon Sports Complex Workshop

Further substantial work has been undertaken in the onboarding of the new Council. These have included Director Responsibilities, Induction Overview with Kath Roach, together with Committees Overview and Workshops. Further, the Office of Local Government's Hit the Ground Running sessions have been run in conjunction. With the resignation of a Councillor in January and the onboarding of a new Councillor in March work to upskill the newly elected Councillor (Mr Michael Crye) will be critical over the upcoming months.

STATEWIDE INITIATIVES - Each year Council's insurer Statewide offer Board Funded Initiatives (BFI) which are free offerings aimed at assisting Council to reduce risk. In past years Council have availed itself of Risk Appetite and Risk Category BFI which assisted Council to move forward in this space.

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This year Council availed itself of a Climate Change Risk Assessment BFI. A skilled consultant attended a session with Council's GM and Executive and a number of climate change risk scenarios were assessed based on forecast modelling. Staff are analysing this document now and will report any findings and recommendations to future Council meetings.

Research and forecasting shows that climate changes Oberon can expect include higher temperatures, changes in rainfall patterns and increase in bushfire weather. Being an integral part of the community, how Council responds to these forecast changes is critical. The Climate Change Risk Assessment not only helps Council plan proactively, it also assists in grant applications and obtaining funding for initiatives which can reduce risk to Council and the Oberon community.

**INTEGRATED PLANNING AND REPORTING** – preparatory works and workshops are being rolled out for Councillors and the community in the preparation of the operational plan for 25/26 and a new Delivery Program for the next 4 year term. Councillor workshops, community engagement and consultation will be ongoing over the next two months to prepare the community and Council of the new delivery program. This will be assisted by updates to the existing Resourcing Strategy of Council which aligns with the IP&R documents required to be endorsed.

**OVERSIGHT AND MANAGEMENT OF THE OBERON SPORTS COMPLEX** – Staff are working on the preparation of a workshop for Councillors to look at the management options for the new Sports Complex currently under construction. Council is currently in receipt of a request from the Oberon Leagues Club outlining their interest and position in relation to the facility and Council must look at options to support the ongoing day to day oversight of the facility. A workshop is being prepared for late March for a detailed report to council in April/May.

**BLACK SPRINGS SMALL CELL TOWER** – On Monday 10 March representatives from the Telco (Mr Simon Vernon and Chris Taylor) met with General Manager to inform him that the works previously announced by Federal Member Andrew Gee relating to the construction of a small cell tower at Black Springs would not be undertaken. They indicated that the site was considered frustrated and that the funds previously committed were returned. I responded that this was a very unsatisfactory result and is a slap in the face for the community of Black Springs who have been calling out for better connectivity for many years. I called federal member Andrew Gee who provided assurance that he would contact the Minister immediately to seek a resolution to this ongoing project.

## 2. WHS/RISK

	<b>February 2025</b>
<b>Incidents/Accidents/Hazards Reported</b>	3
<b>Hazards Reported</b>	0
<b>Near Miss</b>	1
<b>No Injury, Damage to Assets</b>	2
<b>First Aid Injuries</b>	0
<b>Medical Treatment Injuries</b>	0
<b>Lost Time Injuries</b>	0
<b>Restricted Duty Injuries</b>	0
<b>Incident Reported to Regulator</b>	0
<b>Toolbox/Safety Meetings</b>	194
<b>Plant Pre-Start Inspections</b>	83

- **Work Health Safety and Risk Activities**

- Park signage at The Common was audited in the month of February. Some minor amendments to the signs are scheduled to occur in March 2025.
- The WHSR Manager, with IT and HR, participated in demonstrations of HR systems. As HR and WHS overlap, there is benefit in working together to ensure any new system will meet requirements.
- At the request of the Director of Technical Services, a Remote and Isolated Worker Procedure was drafted and distributed to the Technical Services team for comment.
- Several public liability claims were managed including a footpath claim, a tyre claim and fallen trees claim.
- At the request of the Technical Services Director Council's SWMS and SOP's were reviewed, with a streamline of SWMS. It is planned to roll out the safety documentation to staff via training sessions in March 2025.
- The WHSR Manager and StateWide's Regional Risk Manager collaborated with the Parks and Gardens Ganger and the Rotary of Oberon, to address items required for the Rotary Shakespeare in the Park event, to be held on 15 March.
- At the request of the Planning Department, the WHSR Manager updated the chemical register for the Dog and Cat pounds. Emergency evacuation plans were drafted for each facility, to be displayed at the locations.
- Following strong advocacy for Council by our General Manager and the WHSR Manager, Oberon Council have been added to the 3 and 4 tranche rollout of the new Donesafe system. This is a great outcome for Council, with the 10 new modules scheduled to be live by mid-May 2025. This will support the staff training and competency, licensing, contractor, insurances, inductions, incident tracking and plant safety issues tracking functionality for WHSR which is currently done via a variety of hard copy, excel, word and SharePoint methods.
- The insurance claim for the stolen solar batteries was processed through Statewide. Staff have proposed a option to relocate appropriate equipment to a new location to assist in surveillance moving forward.
- The water treatment plant are engaging contractors to undertake reservoir cleaning at the water treatment plant. The WHSR Manager worked with the WTP Supervisor to ensure the contractor holds appropriate insurance and safety methods for this high risk activity, as well as the required WHS induction.
- Council's WHSR Manager met with the Transport for NSW Surveillance Officer to discuss ongoing compliance with traffic guidance systems for works under the RMCC contract.
- Two new staff were inducted in the month of February 2025.

### 3. HUMAN RESOURCES

- **Employee Statistics**

<b>Staff Movements</b>							
	Employee Separation	New employee	Casual	Part-time	Full Time	Senior Officer (GM)	Total Staff
February	2	2	27	3	73	1	104

#### **Consultative Committee**

- The Consultative Committee is scheduled to meet in March 2025

### Recruitment

- Library assistant: interviews conducted in December 2024, successful applicant commenced in February 2025.
- Administration/Customer Service Trainees x 4: Interviews conducted in December 2025. Successful trainee commenced in February 2025.
- Recruitment for Administration Assistant undertaken during March/April.
- Recruitment for Project Manager progressed in March. Shortlisting and interviews to be undertaken during March/April.

### General HR Matters

- HR Manager and IT/GIS Coordinator investigated a new HR System. Five systems were reviewed in December and January with further in-depth demonstrations planned for March 2025.

## 4. GOVERNANCE AND ADMINISTRATION

Oberon Council continues to engage with the community through a variety of platforms, including updates on Council's website ([www.oberon.nsw.gov.au](http://www.oberon.nsw.gov.au)), the Oberon Council Facebook page (<https://www.facebook.com/oberoncouncil>), the *Have Your Say Oberon* community engagement platform and Council's LinkedIn page. These channels are used to share media releases, public notices, position vacancies, public exhibitions, events and other relevant information.

Communications prepared and released during February 2025 included:

### Website, Social Media, The Village Voice & Have Your Say Oberon

- A Minute with Mayor McKibbin/Mayors Column
- Fireworks Notice - 8 February 2025
- Planned Water Interruption - Scotia Ave 11/02/2025
- Found
  - Female Kelpie pup
  - Male tan pup
  - Black & tan Kelpie bitch
- For Adoption - Young black & white male pup
- Picnic in the Park - Stall holders wanted notice
- Waste Depot Information
- Public Notice
  - Removal & Upgrade of Play Equipment
  - NBN Works - Community Update
  - Jenolan Caves Rd closure provided by TfNSW
  - Campbells River Road night works scheduled
  - Playground works reminder
- 2025 Countback Election update
- Position Vacant
  - Multi-Purpose Labourer
- Ordinary Council Meeting registration link reminder
- Western NSW Women's Health Clinic advertisement
- TfNSW Road rules for bicycle riders pointer
- February Ordinary Council Meeting update by Councillor Trembath
- International Women's Day Dinner
- Section 356 Donations - applications open
- Paul Toole MP Oberon Multi-Purpose Sporting Complex update

- Public Exhibition
  - Development Application 2024.095
  - Development Application 2025.003
  - Development Application 2024.094
  - Oberon Council / TAFE Skill Survey for Oberon Students and Job Seekers
  - Oberon Council / TAFE Skill Survey for Oberon Businesses
  - Policy Review - 2212 Borrowing Policy
- Planning & Development Determinations
  - December 2024
  - January 2025
- Mouse House repaired notification
- Black Springs & O'Connell Water Filling Stations – Ongoing maintenance update

## 5. **COMMUNITY ACTIVITY, REGIONAL ISSUES and OTHER MEETINGS**

12 Feb 2025	StateCover – Besafe Update and Briefing
13 Feb 2025	Regional Net Zero Meeting - Orange
18 Feb 2025	Arts of West presentation
18 Feb 2025	Ordinary Meeting of Council
19 Feb 2025	STP Meeting with Infrastructure NSW – Julie Paton
24 Feb 2025	PCG – Oberon Sporting Complex
24 Feb 2025	CWFH Meeting
25 Feb 2025	Oberon Sports Complex onsite Meeting
26 Feb 2025	Meeting with Paul Toole – Grant funding inspections
26 Feb 2025	Meeting with Councillor McCarthy – Parks
27 Feb 2025	Central NSW Joint Organisation Board Meeting – Oberon
3 Mar 2025	Councillor Internal Reserves Workshop
3 Mar 2025	Meeting with RDA – Impact of Renewables
6 Mar 2025	JO Meeting – Risk Matrix for STP & WTP
7 Mar 2025	Meeting with Andrew Gee – Grant funding inspections
10 Mar 2025	Meet and Greet – Clr Crye Induction commencement
10 Mar 2025	Telco Meeting – Black Springs Small Cell Tower

**14.2 Monthly Activity Report - Planning & Development - February 2025**

File No: Governance/Meetings/Ordinary

Author: Damian O'Shannassy (Planning and Development Director), Lyn Hancox (Planning and Development Administration Assistant), Kirsty Hanrahan (Building Surveyor), Janet Bailey (Development Control Administration Officer), Sharon Inwood (Facilities Manager)

**Summary**

This report item summarises the main activity in the Planning and Development Department since the February 2025 Council Meeting.

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**Recommendation:**

That report item 14.2 is received as information.

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**List of Attachments**

Nil

**1. PLANNED ACTIVITY**

**Development Applications**

The number of applications submitted to Council during February 2025 was slightly less than compared with previous months but consistent with the previous year. Applications being assessed remains high, with some complex applications continuing to be assessed. Council continues to utilise, on a part time basis, a Planning Consultant to assist in reducing the backlog of Development Applications and other Planning related matters.

**Comprehensive Land Use Strategy (CLUS)**

A Councillor briefing by the Consultant, Currajong Planning, was held in February providing an update to the proposed draft strategies and updated timeline for community consultation.

Based upon the updated timeline, community consultation is planned to commence in April to launch the Oberon Local Strategic Planning Statement (LSPS). This will be undertaken by Currajong Planning.

**34 Glyndwr Ave Oberon**

Following on from the December 2024 Ordinary Council meeting where Council resolved to put the vacant land for sale subject to water connection and sewer point. Council's plumbers have been engaged to undertake those works. A local real estate agent has been engaged to market the property once a contract is in place and this is anticipated to occur in late March to early April.

**The Avenue of Trees O'Connell – Planning Proposal**

Council's Planning staff have been liaising with the Department of Planning Housing and Infrastructure (DPHI) and can advise that the Gateway Determination is imminent. DPHI have verbally advised that referral will be required to Transport for NSW and 28 days exhibition will be required.

**PROJECTS**

**O'Connell Recreation Ground Amenities Building**

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Minor works are continuing (retaining wall, tiling, electrical & fitout) with an anticipated completion date end of March 2025.

These works are the result of Council receiving a Stronger Country Community Fund Round 5. The project remains on track to be completed within the grant timeframe.

The works at the time of writing are 90% complete with internal painting, fixtures and fittings remaining to be completed. These works will be completed within the extended grant timeframe.



### **Summary**

The Oberon Fitness and Leisure Centre (OFLC) is pleased to submit the report for February 2025.

### **COMMUNITY INITIATIVES**

- Oberon High School fitness program
- Wellness program for St Joseph's teachers

- Aqua Fitness for community members 4 times a week
- March Movement Challenge
- Term two community swimming lessons

### Pool Report

An exciting month for the pool staff with the running of all three local school annual swimming carnivals. It is always great for the instructors to see their students perform well at the carnivals.

Oberon Public was the standout, with two long standing records being broken on the day.

The other main activity for the month is Term 2 lessons, with numbers matching those in Term 1. These lessons are the main driver of income into the centre and an area that has great potential to expand.

### Fitness Centre Report

The Fitness Centre is still in recovery from the Christmas period with numbers a little low.

We have a challenge running this month - "March Movement" in hope it will motivate people back into their fitness routine.

Plans are under way to introduce new classes that we hope will attract new members to the facility, also with the pool season winding down extra resources will be available.

\*Please note some attendance figures may be less than anticipated due to a lack of recording due to the transition over to new member management software

Centre visits	February
Memberships	848
Visit passes	83
Personal training	0
Total Attendance	931

Membership Type (at end of Month)	February
Concession Fitness DD	34
Adult Fitness DD	147
1 Month Upfront	13
1 Week	0
Pt DD	1
Student 16-18	13

Teen Under 16	15
Fitness Passport	16

Membership Movement	February
New Fitness Sales	29
Cancellations	22
Net Member Movement	7

## 2. PLANNING AND DEVELOPMENT MATTERS

### DETERMINATIONS – February 2025

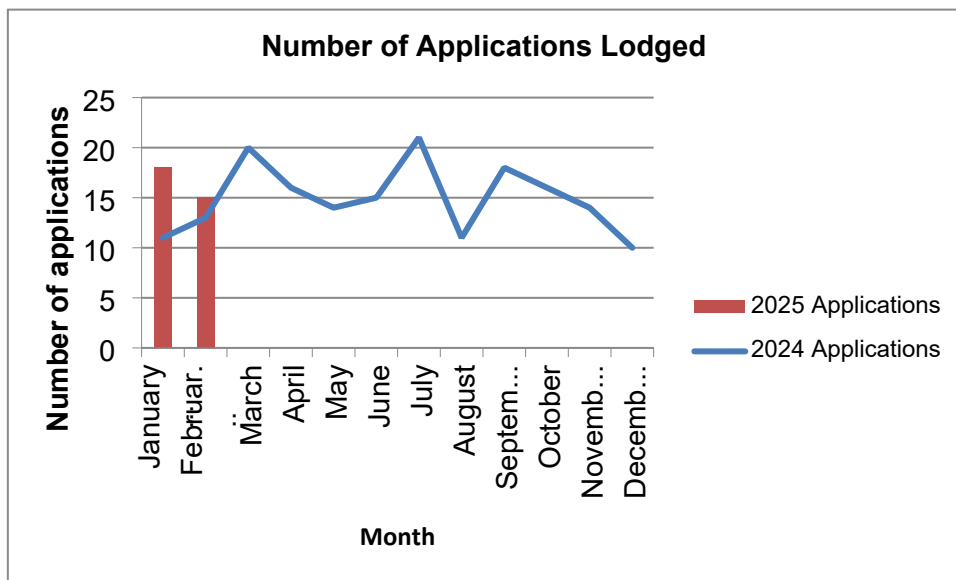
No.	Date sub Portal	Lodgement Date	Commencement Date	Stop the Clock Date	Information Received Date	Determination date
10.2021.67.1	17.09.2021			29.10.2021		
10.2021.72.1	22.09.2021	06.10.2021	10.11.2021	10.11.2021		
10.2022.8.1	16.12.2022	25.01.2023	21.02.2023	14.03.2023		
10.2023.16.1	13.03.2023	29.03.2023	18.07.2023	18.07.2023		
10.2023.30.1	08.05.2023	09.06.2023	26.06.2023	14.07.2023		
10.2023.35.1	11.06.2023	27.06.2023	03.08.2023	03.08.2023		
10.2024.28.1	19.06.2024	17.07.2024	17.07.2024	12.07.2024		
DA2024.043	07.08.2024	23.08.2024	29.08.2024	30.08.2024		
DA2024.054	10.09.2024	19.09.2024	03.10.2024	08.10.2024		
DA2024.058	13.09.2024	03.10.2024	08.10.2024	09.10.2024		
DA2024.067	03.10.2024	10.10.2024	28.10.2024	28.10.2024		
DA2024.076	16.10.2024	1.11.2024	27.11.2024	29.11.2024		
DA2024.077	23.10.2024	6.11.2024	30.11.2024	02.12.2024	03.12.2024	08.01.2025
CDC2024.078	29.10.2024	7.11.2024	15.11.2024			02.12.2024
DA2024.080	4.11.2024	20.11.2024	30.11.2024	02.12.2024		
DA2024.085	18.11.2024	28.11.2024	05.12.2024	05.12.2024	08.01.2024	22.01.2025
DA2024.087	22.11.2024	3.12.2024	09.12.2024	09.12.2024		
DA2024.092	03.12.2024	11.12.2024	18.12.2024			06.03.2025
DA2024.094	4.11.2024	16.12.2024	22.12.2024	07.01.2025		
DA2024.095	13.11.2024	06.01.2025	20.01.2025			07.03.2025
2025.003DA	01.12.2024	10.01.2025	23.01.2025	23.01.2025		
2025.005DA	27.11.2024	15.01.2025	15.01.2025	15.01.2025		
2025.008 DA	06.12.2024	28.01.2025	28.01.2025	28.01.2025	07.02.2025	04.03.2025
2025.011 DA	28.01.2025	11.02.2025	13.02.2025	Notification		

2025.012DA	03.02.2025	13.02.2025	16.02.2025			
2025.009DA	28.01.2025	18.02.2025	23.02.2025	Notification		
2025.013DA	10.02.2025	20.02.2025	24.02.2025			
10.2023.54.3 Mod	21.02.2025	25.02.2025	27.02.2025			04.03.2025
2025.015DA	07.02.2025	26.02.2025	03.03.2025			
2025.016DA	18.02.2025	26.02.2025	03.03.2025			
2025.017DA	24.02.2025	28.02.2025	04.03.2025			
2025.018DA	11.02.2025	28.02.2025	04.03.2025			

Total fees for Applications during February 2025 were \$18,465.65.

The income from applications year to date is \$360,226.02.

Copies of determinations are available for inspection at Council’s Administration Centre. Applications for the calendar year are being provided in a table form to give an outline of applications being lodged against those of the previous year.



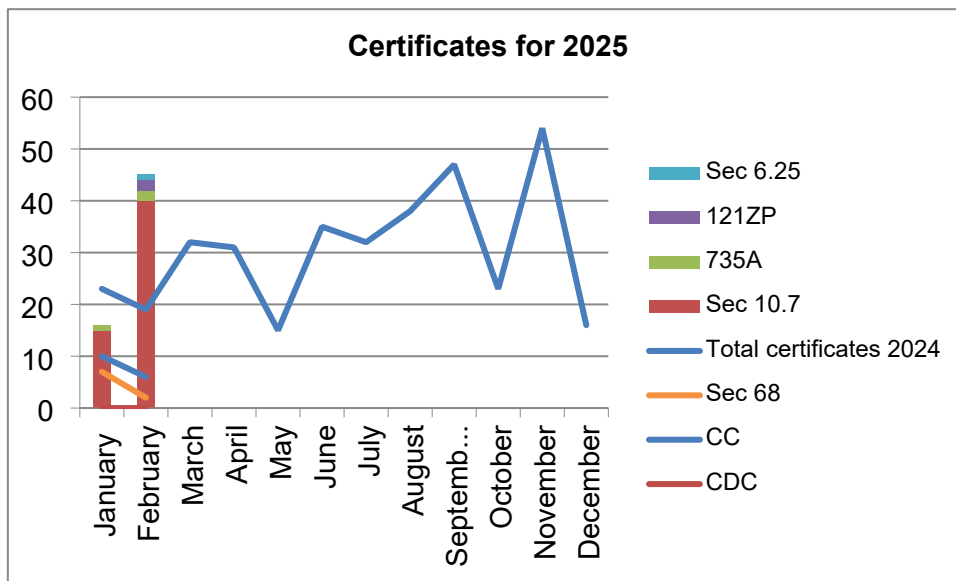
**CERTIFICATES ISSUED**

During the Conveyancing process and normally as part of the sale of a property, various Certificates are applied for by Solicitors, Real Estate Agents or by the public. In February 2025, the following Certificates were issued:

CERTIFICATES	February 2025
SECTION 10.7 PLANNING CERTIFICATES Environmental Planning and Assessment Act, 1979	40
SECTION 735A CERTIFICATES AS TO NOTICES Local Government Act, 1993.	2
CERTIFICATES AS TO ORDERS SCHEDULE 5 Environmental Planning and Assessment Act, 1979	2

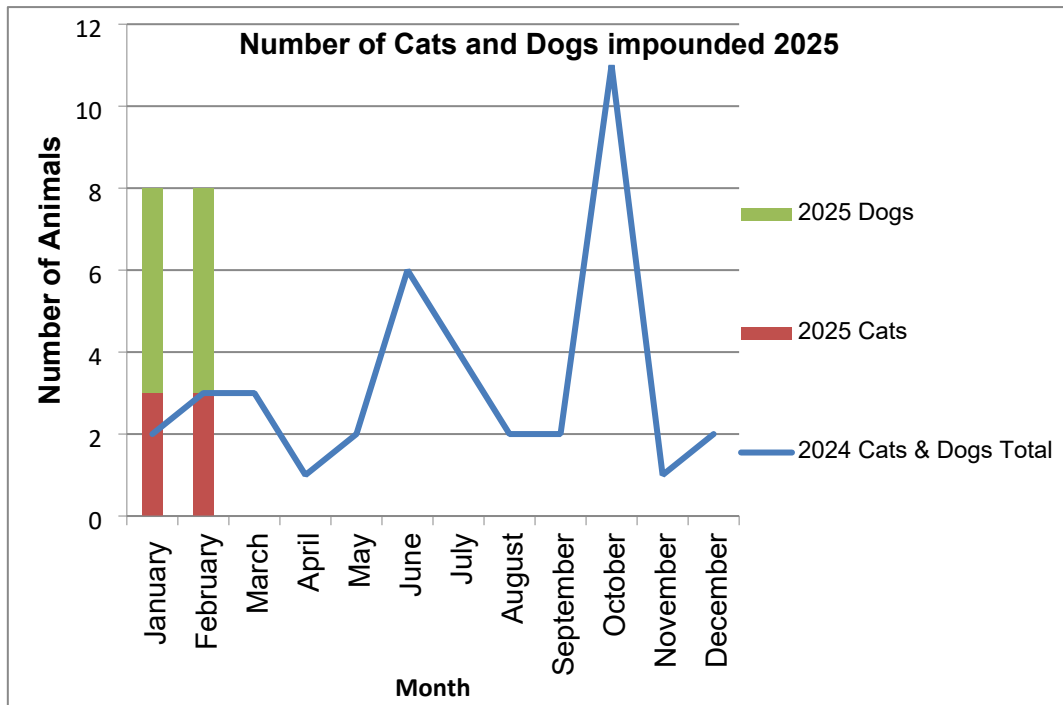
SECTION 6.26 BUILDING INFORMATION CERTIFICATES Environmental Planning and Assessment Act, 1979	1
CONSTRUCTION CERTIFICATES	6
COMPLYING DEVELOPMENT	0
SECTION 68 APPLICATIONS Local Government Act 1993	2

Certificates for the calendar year are being provided in a table form to give an outline of certificates being lodged against those of the previous year.



### OBERON ANIMAL POUND

The following are details of activity at the Animal Pound in December 2024.



DOG DECLARATIONS	February 2025
Notice of Intention to Declare a Dog Dangerous	0
Notice to Declare a Dog Dangerous	0
Notice of Intention to Declare a Dog Menacing	0
Notice to Declare a Dog Menacing	0
Notice of Intention to Declare a Dog Nuisance	0
Notice to Declare a Dog Nuisance	0

**MISCELLANEOUS MATTERS**

Various inspections, including building inspections, health inspections, environmental inspections and complaints were conducted during November 2024.

TYPE OF INSPECTIONS	February 2025
Building Inspections	32
Food Inspections	0
Environmental Inspections (Air, Noise and Water Pollution)	0
Subdivisions Certificate Inspections	0
Complaints (Including Animal Control & Livestock)	35
Building Maintenance Inspections	6

**14.3 Monthly Activity Report Technical Services - February 2025**

File No: Governance/Meetings/Ordinary

Author: Dr Cornelia Wiebels (Technical Services Director), Dani Bradshaw (Change Management Analyst), Gary Chapman (Roads Operation Manager), Andrew Krol (Water and Sewer Officer in Charge), Thomas Dimec (Project Engineer), Paul Robinson (Plant Manager), Tania Matthews (Technical Services Administrative Assistant), Geoff Paton (Works Engineer)

**Summary**

This report item summarises the main activities in the Technical Services Department during the months of February 2025.

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**Recommendation:**

That report 14.3 is received as information.

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**List of Attachments**

Nil

**Comment**

**1. Roads – Regional and Local**

Lowes Mount Road was bitumen sealed on 19 February 2025. The seal utilised a 3% crumbed rubber seal which provides better bitumen elasticity under heavy vehicles and better performance during cold weather. This work completes Oberon’s requirements under the Grant previously provided to Lithgow, Oberon and Upper Lachlan. Work will now begin to transfer the remaining grant funding to be administered by Upper Lachlan, given they are the only Authority yet to complete projects associated with the grant.



Rehabilitation of Abercrombie Road, Black Springs is largely completed with pavement reconstruction works finished and bitumen sealing being programmed.

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- Abercrombie Road (off Shooters Hill Road) has experienced ongoing stripping of the bitumen seal and large areas of deformation. This section of road from the temporary seal through to the Shooters Hill Road intersection has been scheduled for reconstruction week commencing 17 March 2025.
- On Council's unsealed road network, grading works were undertaken on Phills Falls, Honeysuckle Falls, Isabella and Beaconsfield Roads. Additionally, the slip on Arkstone Road was realigned.





- Drainage works were undertaken on Mount Olive Road, Albion Street and Lowes Mount Road near Carlwood Road.



## **2. State Roads – RMCC (Road Maintenance Council Contract) Works for Transport for New South Wales (TfNSW)**

Continuous improvements and monitoring activities have been carried out on O’Connell and Duckmaloi Roads in accordance with the Council’s TfNSW Roads Maintenance Contract. The focus is on monitoring surface sections, upgrading drainage systems to prevent flooding, and signage.

Monitoring and Upgrades:

- Surface Monitoring: Regular monitoring of the road surfaces on O'Connell and Duckmaloi Roads to identify and address any issues promptly.
- Drainage System Upgrades: Upgrading drainage systems to prevent flooding and ensure the roads remain safe and passable during adverse weather conditions.

Heavy Patching and Resealing:

Council and TfNSW have collaboratively investigated and identified areas on State Roads requiring heavy patching. The identified areas cover approximately 5,000 m<sup>2</sup> and are scheduled for the 2024-2025 period. The review of areas and documentation is currently underway, with works set to commence in March 2025. Civil contractors have now been engaged to commence works March 2025, once TfNSW have approved Councils Management Plan.

Resealing Works:

In addition to heavy patching, resealing works are planned for Duckmaloi Road and O'Connell Road. These works will cover a combined area of approximately 30,000 m<sup>2</sup> for the 2024-2025 period.

The planned improvements and monitoring activities on O'Connell and Duckmaloi Roads are essential for maintaining the integrity and safety of these key transport routes. The collaborative efforts between the Council and TfNSW ensure that the necessary upgrades and maintenance are carried out efficiently and effectively, with a strong focus on enhancing road safety and reliability

### 3. Water & Wastewater

#### Weekly Oberon Dam Levels

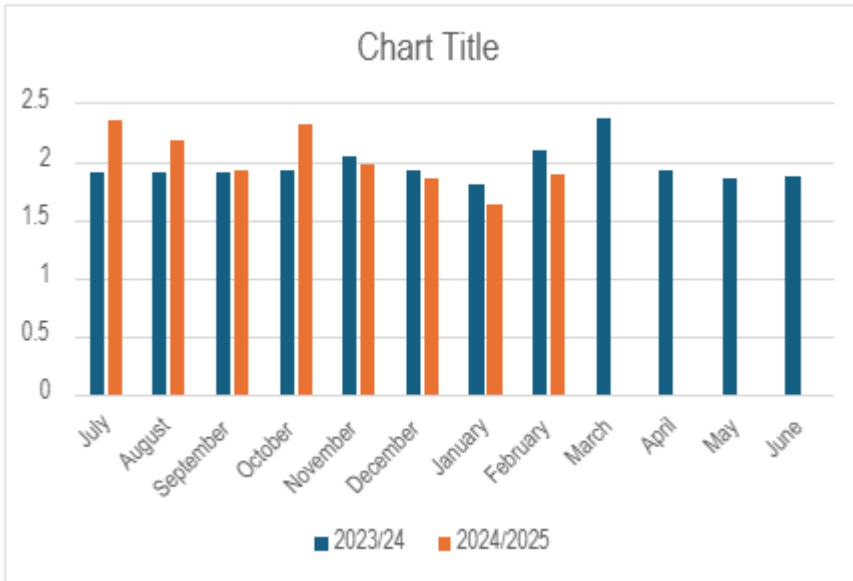
Weekly dam level recordings for Oberon Dam, supplied by Water NSW

February 2025
01.02.2025 – 98.5%
10.02.2025 -- 97.9%
19.02.2025 -- 99.2%
26.02.2025 -- 97.9%

#### Water Consumption from WaterNSW Oberon Dam

February 2025
01.02.2025 - 07.02.2025 -- 13.499 ML
08.02.2025 - 14.02.2025 -- 12.672 ML
15.02.2025 - 21.02.2025 -- 13.403 ML
22.02.2025 - 28.02.2025 -- 13.254 ML

The total raw water consumption during February 2025 was 52.828 ML.  
The daily average consumption was 1.886 ML.



The above graph displays the average daily water consumption per month

### Sewage Treatment Plant – Weekly kL Intake for Treatment of Wastewater

February 2025	
01.02.2025 - 07.02.2025 --	7,920 kL
08.02.2025 - 14.02.2025 --	14,178 kL
15.02.2025 - 21.02.2025 --	9,531 kL
22.02.2025 - 28.02.2025 --	8,918 kL

The daily average wastewater flow into Oberon Sewerage Treatment Plant was 40,547 kL.  
The total wastewater volume into Oberon Sewerage Treatment Plant in February 2025 was 1448.1 kL.

## 4. Parks and Gardens

### Tree and Garden Maintenance

Parks and Gardens staff have been busy mowing, slashing, whipper snipping, weed spraying, and gardening around the parks, gardens, sporting facilities, cemeteries, and road verges around the LGA.

Parks and Reserves Maintenance:

Location	Activity	Frequency
Black Springs Recreation Ground	Mowing, Slashing & Whipper Snipping	2
Leagues Club Fields	Mowing and Whipper Snipping	4
Robertson and Richards Parks	Mowing and Whipper Snipping	2
The Reef Reserve	Slashing, Mowing and Whipper Snipping	2
Herb David Park	Mowing and Whipper Snipping / Spraying	1 / 1
Curtis St Independent Living Units	Mowing and Whipper Snipping	1
Balfour St Independent Living Units	Mowing and Whipper Snipping	1

The Common	Slashing, Mowing and Whipper Snipping / Spraying / Top dressing 'hollows'	3 / 1 / 1
Oberon Recreation Ground (Soccer oval)	Mowing and Whipper Snipping / Linemarking	3 / 2
Oberon Cemetery	Mowing and Whipper Snipping	4
Apex Park	Mowing and Whipper Snipping / Gardening	1 / 2
Miss Wilson Park	Mowing and Whipper Snipping	1
Cunynghame Oval	Mowing and Whipper Snipping	1
Tennis Centre	Mowing and Whipper Snipping	1
Glyndwr Ave North	Mowing and Whipper Snipping	1
Glyndwr Ave South	Mowing and Whipper Snipping	1
Buckley Cres Park	Mowing and Whipper Snipping	1
Wollemi Park	Mowing and Whipper Snipping	1
Depot	Mowing and Whipper Snipping	1
Sewerage Treatment Plant	Mowing and Whipper Snipping	1
Mawhoods Carpark	Mowing and Whipper Snipping	1
O'Connell Recreation Ground	Slashing, Mowing and Whipper Snipping	2
O'Connell Cemetery	Mowing and Whipper Snipping / Spraying	1 / 1
Hassall Park	Mowing and Whipper Snipping	1
Oberon Street Gardens	Gardening	3
Council Chambers	Gardening	1

<b>Roadway</b>	<b>Activity</b>	<b>Frequency</b>
Gingkin Rd Bus Stop	Whipper Snipping	1
Edith Rd Bus Stop	Whipper Snipping	1
Mozart Rd	Slashing	1
Abercrombie Rd	Slashing	1
Tarana Rd	Slashing	1
Hazelgrove Rd	Slashing	1
Bligh St	Slashing	1
Lowes Mount Rd and Shared Path	Mowing	1
Parke St	Mowing	1
Queen St	Mowing	1
Dudley St	Mowing	1
Hawke St	Mowing	1
Humphries Dr	Slashing	1
Albion St	Mowing and Slashing	2
Rutters Ridge Rd, Fox Ln	Slashing	1
Ross St	Mowing	1
Edith Rd	Slashing	1
King St	Mowing	1



Apex Park



Buckley Cres



O'Connell Recreation Ground



The Reef Reserve

## 5. Playgrounds

The non-compliant playground equipment has been removed at:

---

- Glyndwr North
- Glyndwr South
- Miss Wilson
- Bligh St
- Armstrong Pl
- Buckley Cres
- Burraga

Work has commenced on the upgrade of existing playground areas, with the Swing Set at the Common. Other maintenance work has included repairing the Mouse House and parts have been ordered to repair the Flying Fox and the Walking Exercise Equipment at the Common.



Armstrong Place restored after play equipment removed.

**14.4 Monthly Activity Report Corporate Services - February 2025**

File No: Governance/Meetings/Ordinary

Author: Mathew Webb (Corporate Services Director), AJ Jack (IT and GIS Co-ordinator), Victoria Bewley (Acting Community Services Coordinator), Rhiannon Mijovic (Library Manager), Debra Keane (Tourism and Economic Development Manager), Zoe Marks (Finance Manager)

**Summary**

This report provides an update on the activities of the Corporate Services Directorate in February and forward plans.

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**Recommendation:**

That report item 14.4 is received as information.

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**List of Attachments**

Nil

**1. Information Technology**

**New Software**

IT and HR have chosen Lanterria as the new HR platform for Council. It is a complete hire to retire package that will automate many processes that are currently manual and provide a centralised repository of HR information.

A request for proposal for a new Asset Management System has closed with 20 applications received. These will shortly be reviewed by a panel with members from IT, Finance and Technical Services.

**Cyber Security**

The Central NSW Joint Organisation has appointed Jordan Welden-Iley as a joint Chief Information Security Officer on a three-year contract. They will provide policy guidance and practical assistance to all member Councils. Where possible, cyber security solutions will be applied across the JO members, leading to consistency in operations and taking advantage of increased buying power.

**2. Finance**

**Internal Restrictions Review**

The Finance Team has been working on the internal restrictions and has developed a draft restrictions policy, which was presented to the Audit, Risk, and Improvement Committee (ARIC) on 12 March 2025.

A secondary workshop with Councillors has also been held regarding proposed changes to the internal reserves.

**2025/26FY Budget Process**

The following tasks have been undertaken as part of the FY2025/26 budget preparation:

- Three Executive Management Budget Bootcamps have been held.
  - Budget data from meetings with Directors have been compiled into a Budget workpaper.
-

- Fees and Charges have been reviewed and issued to Directors and Managers for feedback.
- Payroll estimates have been created and shared with Directors.

Further work will continue to ensure the Integrated Planning & Reporting (IP&R) process remains on schedule

### **Asset Valuations**

Work is ongoing to finalise the Roads Transport valuations for the 2024/25 financial year. In collaboration with the Technical Services Team, Council staff aim to finalise the data by May 2025.

### **Rate Notices Program**

The contract for the current rates print house will expire at the end of the financial year. Work has commenced with the Central NSW JO to identify an appropriate provider for future years.

### **2024/25FY Audit Plan**

A meeting was held with Intentus to review the Audit Engagement Plan for the 2024/25 financial year audit. An agreed timeline has been set, with interim and final audit visits scheduled.

### **3. Community Services**

Planning for *Picnic in the Park*, which replaces the postponed *End of Year Spectacular*, is progressing well. So far, 25 market stalls have confirmed attendance, and live music, a mobile animal farm and children's activities have been arranged.

Grant funding has been secured for Youth Week with plans underway for a career/job fair to be held at the Library & Community Centre - Thursday April 10<sup>th</sup> from 3.30pm – 7.30pm. This will focus on apprenticeship providers, local business and industry, community advisors and financial and life skills.

Council will be running a series of cyber awareness workshops as a follow-up to Seniors Festival. These will be held in June with an evening session in Black Springs on the 4<sup>th</sup> and a day and evening session at Oberon on the 5<sup>th</sup> June 2025. These sessions will have 4 speakers over 2.5hrs and will have presenters from NBN, banking, police and will focus on staying safe online, cybercrime and technical help.

### **Independent living units**

All vacant units have now been filled. The lease for Unit #4 at the Curtis Street facility was signed on 13 March.

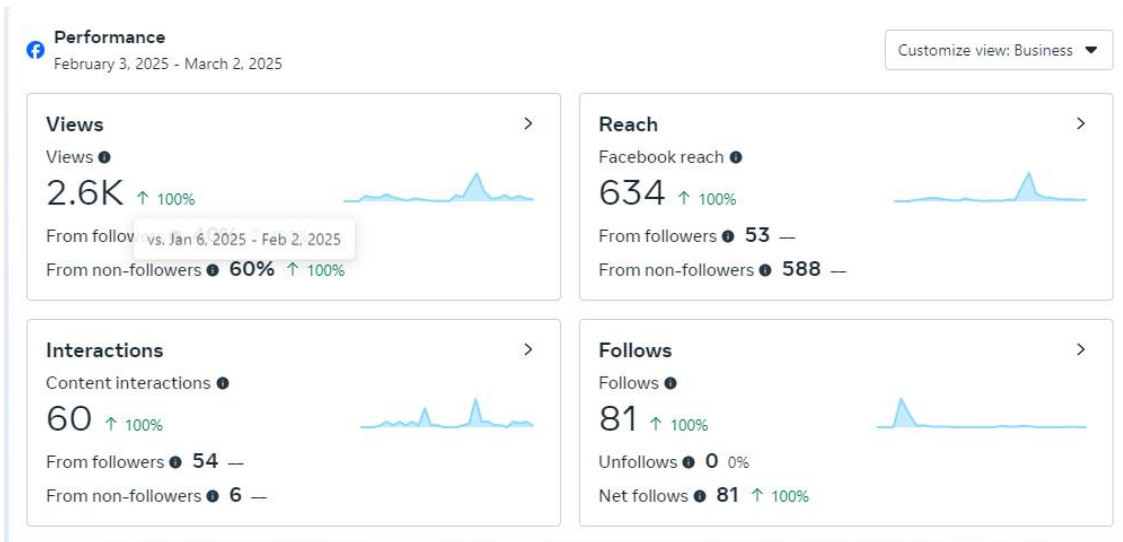
On 25 March, ACES Contractors will service all air conditioning units at both the Balfour and Curtis Street facilities.

### **4. Oberon Library & Community Centre**

The Library welcomed a new Library Assistant, Teresa De Rubeis, who brings extensive programming experience in the young adult sector.

The Library has launched its own social media presence, utilising scheduling tools to enhance engagement and follower growth. This has yielded some positive growth and reach of Library services as per the table below.





## 5. Tourism and Economic Development

In January the region welcomed 15,000 visitors, contributing \$1.59M to the local economy. Overall spending increased slightly by 0.4%. While discretionary retail, food, and restaurants performed well, pubs experienced a downturn, possibly due to transient workers returning home for the holiday season.

### Field to Forest Festival



The first event of the festival was undertaken in partnership with the Oberon Markets, with a special Market and meet the producer event. This event provided an opportunity to hear from local growers, the challenges faced and elements of their business.

Other events scheduled for March are outlined below.

- TruffleFest (8 March)
- Rotary Shakespeare Festival (14–15 March)
- Fishing & Fossicking Tour (22 March)
- Black Springs Pioneer Tour and Country Dance (22 March)
- Seasonal Dinner at Essington Park with Renzaglia Wines (29 March)

### Photography Competition

The winner of the summer photography competition showcased a group of hikers at Evans Crown. Entries for the autumn category are now open.

### RedFin Roundup & Fishing Classic

Sponsorship requests have been sent to several large camping and fishing companies. No responses have been received yet, and efforts are ongoing to broaden the sponsor base to alleviate pressure on local businesses.

**Drought Resilience Project**

Oberon, Bathurst and Lithgow Councils are collaborating on the Future Drought Fund's Regional Drought Resilience Planning Program. The project contractor, TILMA, is developing flowcharts to assist applicants in understanding agritourism and DA legislation. Case studies of existing businesses will provide guidance on best practices and common pitfalls. Working groups will be established across the three councils to support new entrants into the agritourism sector.

**TAFE Campus Exploration for Oberon**

Discussions are ongoing regarding the establishment of a dedicated TAFE satellite campus in Oberon. Surveys have been distributed to local businesses and Oberon High School students to assess training needs. Council will continue working with TAFE representatives to advance this initiative.

**14.5 Investments - February 2025**

File No: Financial Management/Investments/Register

Author: Lisa Koleda (Management Accountant), Zoe Marks (Finance Manager)

**Summary**

This report provides Council with the Statement of Investments as of 28 February 2025.

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**Recommendation:**

That report item 14.5 is received as information.

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**List of Attachments**

Nil

**Comment**

In February, the Reserve Bank of Australia (RBA) made a monetary policy decision to reduce the cash rate by 25 basis points down to 4.1%. This decision has led to a slight decrease in both the average interest rate achieved within Council's investment portfolio and the 90-day Bank Bill Swap Rate (BBSW) for February, directly linked to this rate cut. Despite this, Council's portfolio is still performing above the 90-day BBSW by 0.88%, demonstrating a strong position in the current market environment.

One of the intentions of this rate cut is to lower borrowing costs across the economy, which is reflected in the reduced average interest rates achieved by financial institutions. Additionally, the 90-day BBSW, a key benchmark for short-term lending, typically adjusts in response to changes in the central bank's policy rate, resulting in its recent decline.

The RBA's decision aims to stimulate economic activity by encouraging borrowing and investment, thereby supporting economic growth and employment. Furthermore, the central bank's cautious approach, as outlined in their meeting minutes, underscores their objective to balance economic stimulation with maintaining inflation within target levels.

As of 28 February 2025, Council had \$24,250,000 invested with term deposits. Total cash and cash equivalents were \$28,981,468. Below is a breakup of Council's Cash and Cash Equivalents:

**Cash at bank**

<b>Institution</b>	<b>Value</b>
CBA Business - General Funds	2,569,141.70
CBA Business - Online Saver	2,058,083.89
NAB Business - Cheque	104,242.83
	<u>4,731,468.42</u>

**Active Term Deposits:**

<b>Institution</b>	<b>Date Invested</b>	<b>Rate</b>	<b>Maturity Date</b>	<b>Amount</b>
Bank of Queensland	11/09/2024	4.97%	11/03/2025	500,000.00
Australian Unity Bank	20/12/2023	5.10%	12/03/2025	500,000.00
National Australia Bank	13/03/2024	4.95%	12/03/2025	500,000.00
Australian Unity Bank	20/12/2023	5.10%	26/03/2025	500,000.00
National Australia Bank - (Sewer)	28/06/2024	5.32%	9/04/2025	500,000.00
AMP Bank - (Sewer)	24/04/2024	5.05%	23/04/2025	500,000.00
G&C Mutual Bank	21/12/2023	5.10%	7/05/2025	500,000.00
G&C Mutual Bank	21/12/2023	5.10%	21/05/2025	500,000.00
Bank Of Queensland - STP	14/08/2024	4.80%	4/06/2025	500,000.00
Commonwealth Bank	14/08/2024	4.63%	18/06/2025	500,000.00
National Australia Bank	26/02/2025	4.70%	18/06/2025	500,000.00
National Australia Bank	26/02/2025	4.70%	18/06/2025	500,000.00
National Australia Bank	03/07/2024	5.42%	03/07/2025	500,000.00
AMP Bank	29/01/2025	5.00%	14/07/2025	500,000.00
National Australia Bank	03/07/2024	5.39%	17/07/2025	500,000.00
AMP Bank	15/01/2025	5.10%	17/07/2025	500,000.00
Judo Bank	15/01/2025	5.05%	17/07/2025	500,000.00
AMP Bank	29/01/2025	5.05%	30/07/2025	500,000.00
National Australia Bank	03/07/2024	5.38%	31/07/2025	500,000.00
Bank Australia - (Sewer)	03/07/2024	5.10%	13/08/2025	500,000.00
Bank Of Queensland.	03/07/2024	5.20%	27/08/2025	500,000.00
Defence Bank	04/07/2024	5.30%	27/08/2025	500,000.00
Bank Of Queensland.	03/07/2024	5.20%	10/09/2025	500,000.00
Defence Bank	04/07/2024	5.30%	10/09/2025	500,000.00
AMP Bank	04/12/2024	5.10%	10/09/2025	500,000.00
Defence Bank	04/07/2024	5.30%	24/09/2025	500,000.00
National Australia Bank	17/07/2024	5.16%	08/10/2025	500,000.00
Bank Of Queensland.	17/07/2024	4.95%	22/10/2025	500,000.00
ING Bank (Australia) Ltd	16/10/2024	5.03%	22/10/2025	500,000.00
National Australia Bank	17/07/2024	5.13%	05/11/2025	500,000.00
Commonwealth Bank	28/08/2024	4.60%	19/11/2025	500,000.00
Commonwealth Bank	20/11/2024	4.85%	19/11/2025	500,000.00
ING Bank (Australia) Ltd - STP	20/11/2024	5.12%	19/11/2025	500,000.00
Rabobank Australia	04/09/2024	4.90%	03/12/2025	500,000.00
Rabobank Australia	04/09/2024	4.90%	17/12/2025	500,000.00
Defence Bank - STP	18/12/2024	5.00%	17/12/2025	500,000.00
Judo Bank	18/12/2024	4.70%	17/12/2025	250,000.00
Rabobank Australia	04/09/2024	4.90%	14/01/2026	500,000.00
Rabobank Australia	04/09/2024	4.90%	28/01/2026	500,000.00
Rabobank Australia	04/09/2024	4.90%	11/02/2026	500,000.00
National Australia Bank	12/02/2025	4.70%	11/02/2026	500,000.00
Family First Credit Union	11/09/2024	4.90%	25/02/2026	500,000.00
G&C Mutual Bank	25/09/2024	4.30%	11/03/2026	500,000.00
Rabobank Australia	25/09/2024	4.78%	25/03/2026	500,000.00
ING Bank (Australia) Ltd	06/11/2024	5.05%	08/04/2026	500,000.00
Bank Of Queensland.	23/10/2024	4.70%	22/04/2026	500,000.00
ING Bank (Australia) Ltd - STP	06/11/2024	5.04%	06/05/2026	500,000.00
ING Bank (Australia) Ltd - STP	06/11/2024	5.04%	20/05/2026	500,000.00
ING Bank (Australia) Ltd - STP	06/11/2024	5.03%	03/06/2026	500,000.00

**24,250,000.00**

\* Externally Restricted as at 28 February 2025, as reconciled at time of writing report

\*\* Internal Restricted as at 28 February 2025, as reconciled at time of writing report

**Investments matured during this reporting period:**

<b>Institution</b>	<b>Date Invested</b>	<b>Rate</b>	<b>Maturity Date</b>	<b>Amount</b>
Commonwealth Bank	31/01/2024	4.97%	12/02/2025	500,000.00
Australian Unity Bank	21/12/2023	5.10%	26/02/2025	500,000.00
National Australia Bank	28/02/2024	5.00%	26/02/2025	500,000.00
National Australia Bank	28/02/2024	5.00%	26/02/2025	500,000.00

**Investments placed during this reporting period:**

<b>Institution</b>	<b>Date Invested</b>	<b>Rate</b>	<b>Maturity Date</b>	<b>Amount</b>
National Australia Bank	12/02/2025	4.70%	11/02/2026	500,000.00
National Australia Bank	26/02/2025	4.70%	18/06/2025	500,000.00
National Australia Bank	26/02/2025	4.70%	18/06/2025	500,000.00

**Summary of Interest earned for - 2024/25**

Interest received on matured investments for the month	57,474.66
Year to Date interest received on matured investments	1,005,893.09
Monthly accrued interest on active investments	89,151.49
Average interest rate achieved	5.00%
90-day BBSW	4.12%
CBA Business - General Funds Acc (YTD Interest received)	52,948.66
CBA Business - Online Saver Acc (YTD Interest received)	49,406.00

**Definitions:**

*Interest received for the month and YTD (year to date) represent the actual payments received into Council's general fund bank account.*

*Monthly accrued interest on active investments is accumulated interest that has yet to be paid – at time of reporting.*

*Average interest rate achieved is the sum of all interest dividends, divided by the length of time investments are held – at time of reporting.*

*90 days BBSW is a benchmark interest rate at the time of reporting.*

*Biz Saver Online Acc, interest received is the accumulated interest earned on fund held in the Biz Saver available for use.*

I certify that the investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2005, and Council's Investments Policy.

Zoe Marks  
Responsible Accounts Officer

**- 14.6 Grants Update February 2025**

File No: Governance/Grants 2024

Author: Toni Dwyer (Grants Co-ordinator), Mathew Webb (Corporate Services Director)

**Summary**

This report provides a summary of grant funding applications submitted and funding notifications received during February 25.

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**Recommendation:**

That report item 14.6 is received as information.

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**List of Attachments**

Nil

**Comment**

**GRANT APPLICATIONS**

**a. NSW Department of Communities & Justice, 2025 Youth Week Program**

An application was made for a Youth Week allocation of \$3,412 whereby Oberon Council must cash match and amount of \$2,588. The Youth Week project nomination was a Youth Career Fair. Youth week takes place this year from 9 to 17 April, 2025. This application has been notified as successful.

**b. NSW Department of Communities and Justice, 2025 Community Building Partnership (CBP) Program, Playground Upgrades**

Three applications were submitted on 21 February 2025 to seek dollar for dollar funding for Playground upgrades at

1. The Common, Project Cost \$175,800, funding requested \$87,900
2. Cunynghame Park Oval Project Cost \$104,072, funding requested \$52,036
3. John Mawhood Swimming Pool Complex Playground Project Cost \$20,000, funding requested \$10,000.

The minimum amount that could be applied for was \$10,000 per site and the maximum was \$100,000. A separate application was required for each site. There is a maximum of \$450,000 to allocate in each electorate. The CBP program awards grants for community infrastructure projects that deliver positive social, environmental and recreational outcomes. Guidelines state that advice will be received in August 2025.

**c. NSW Department of Primary Industries and Regional Development, Regional Economic Development and Community Investment Program, Hockey Field and Facilities**

An application was submitted on 20 February for the Hockey Field at the new Multi-Purpose Sports Complex. The \$50 million program is funded under the Regional Development Trust, which is delivering improved social and economic outcomes for regional NSW and will support initiatives that promote regional economic development and contribute to job creation and retention consistent with the Trust's key focus areas. The focus areas targeted in Oberon Council's application were

- Community connection and capacity building
  - Improving regional service delivery
-

- Sustainable regional industries

The application required a 20% contribution from Council. When project management costs and recommended contingencies were added to the quotation obtained, the total project cost was \$2,488,567. If successful, and if Council accepts the grant it would need to contribute \$497,713.

**d. Australian Government, National Indigenous Australians Agency, 2025 NAIDOC Local Grants Program – Oberon Indigenous Art Exhibition**

An application to the 2025 NAIDOC Local Grants Program was submitted on 20<sup>th</sup> February 2025. The application requested \$6,100 in funding for the Oberon Indigenous Art Exhibition in July 2025. The event is designed to encourage next generation learning of skills and stories from Elders. A bush tucker element has been added to this event.

**e. Australian Government, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, Stronger Communities Programme – Round 9, Expression of Interest (EOI) and Application**

The Stronger Communities Programme provides grants of between \$2,500 and \$20,000 to community organisations and local governments for infrastructure projects that deliver social benefits. This program provides each of the 151 federal electorates with \$150,000 to fund small capital projects. Federal Members of Parliament invite applications from their electorate. An Expression of Interest (EOI) that matched outcomes and eligibility was submitted to Andrew Gee's office on 24 February 2025. The amount requested was \$10,000 to upgrade and relocate part of the commemorative Women Who Served in War rose garden to allow for juxtaposition with a new native garden with handrail at the Common. If successful Oberon Council will be required to match this amount dollar for dollar. Council was advised the same day that it may proceed to the application stage that closes on 28 March 2025. The Expression of Interest was successful, and an application has been submitted.

## **GRANT NOTIFICATIONS**

**a. Australian Government, Housing Support Program – Community Enabling Infrastructure Stream, Construction Sewerage Treatment Upgrade**

Through a press release by Prime Minister Anthony Albanese, Council was made aware that it was unsuccessful in its application for \$11.25 million to upgrade the Sewerage Treatment Plant. There were 13 successful NSW Projects of which 4 included wastewater treatment.

1. \$45 million to deliver water and sewer infrastructure in Kempsey, including new water treatments plants to unlock more than 430 homes (Cowper Electorate/Pat Conaghan/Nationals)
2. \$27.2 million to deliver Stage 2 of the Marulan Wastewater Treatment Plant Upgrade to unlock more than 400 new homes in the Goulburn Mulwaree shire (Hume Electorate– Angus Taylor/Liberals)
3. \$45 million to construct a new pressure sewer system, a wastewater treatment plant and discharge system at Stuarts Point, Grassy Head and Fisherman's Reach to enable 40 homes
4. \$4 million to construct a four-legged roundabout on the Princes Highway, and the upgrade and extension of water and sewer infrastructure at Moruya to enable 45 homes.

On the 19th of February we received advice that the Australian Government has commenced announcing successful projects with NSW projects announced by way of Prime Minister Announcement on 22 January 2025.

**b. Australian Government, Active Transport Fund, A more active, safe and linked Dart/Dudley Street School Precinct Oberon**

Oberon Council was formally notified on 25 February 2025 that the above project was unsuccessful in receiving Australian Government funding in this tranche. Feedback was as follows, “Competition for funding under the ATF was very strong with a substantial amount of high-quality applications received and common reasons applications were not successful can be found in the Frequently Asked Questions document on the website. The aim of this program is to encourage an increase in active transport through the upgrade of existing and construction of new bicycle and walking pathways across Australia.

**c. Australian Government, Department of Climate Change, Energy the Environment and Water - Community Energy Upgrade Fund – Round 2**

The second round of the Community Energy Upgrade Fund opened on 4 March 2025 and will close on 13/6/2025. Successful recipients of Round 1 have been published. There were 17 recipients from NSW.

In March 2024 Council committed funds to engage a consultant to review the Renewable Energy Action Plan (REAP) that it endorsed in September 2022 for future renewable initiatives in readiness for this grant. An assessment of the successful recipients is being undertaken to ensure that an Oberon Council application aligns with the revised plan and grant requirements. A report will be presented to Council to decide on the options, and progression of an application.

**GRANT APPLICATION PROGRESS**

<b>Grant Progress Table</b>				
<b>Submitted</b>	<b>Details/Description of Project</b>	<b>Grant Program</b>	<b>Grant Amount</b>	<b>Status</b>
24/2/2025	Upgrade and relocate part of the commemorative, Women Who Served in War rose garden to allow for juxtaposition with a new native garden with handrail at the “The Common”, Oberon.	Stronger Communities Programme – Round 9	\$10,000	EOI Approved, Application Pending
21/2/2025	Oberon Indigenous Art Exhibition	2025 NAIDOC Local Grants Opportunity	\$6,100	Pending
21/2/2025	The Common Playground Upgrade	NSW Government, Community Building Partnership Program	\$87,900	Pending – advice expected August 2025
21/2/2025	Cunynghame Oval Playground Upgrade	NSW Government, Community Building Partnership Program	\$52,036	Pending – advice expected August 2025



21/2/2025	John Mawhood Swimming Pool Playground Upgrade	NSW Government, Community Building Partnership Program	\$10,000	Pending – advice expected August 2025
20/2/2025	Hockey Field & Facilities	NSW Department of Primary Industries and Regional Development, Regional Economic Development and Community Investment Program	\$1,990,854	Pending – advice expected from “ 26 May 2025 or as soon as possible after a decision has been made”.
14/2/2025	Oberon Youth Career Fair	Department of Communities and Justice, Youth Week 2025	\$3,412	Application made and notified as successful
28 January 2025	Bald Ridge Road – Design and upgrade culvert crossings	Australian Government, Safer Local Roads and Infrastructure Program Tranche 2	\$1,136,000	Pending – no notification period provided
13 January 2025	A more active, safe and linked Dart/Dudley Street School Precinct Oberon	Australian Government, Active Transport Fund	\$29,185	Unsuccessful
18 December 2024	Fish Cleaning Table Lake Oberon	NSW DPI, Recreational Fishing Trust	\$21,674	Pending – (notification expected by 30 June 2025)
22 November 2024	Weed Control – Black Springs & The Reef	Crown Lands Improvement Fund – Weeds 2024-25	\$10,568	Pending – (notification expected May 2025)
22 November 2024	Update and Align DCP, 2001 and CP, 2004 to Enable and Accelerate New Housing Capacity	Regional Housing Strategic Planning Fund 2024 – Round 3	\$161,040	Pending – (notification expected April 2025)
18 November 2024	Oberon Local Government Area Active Transport	Get NSW Active 2025-2026	\$71,335	Pending - Assessment (November 2024 to March 2025).

	Strategy & Plans 2025-2035			Notification (April- May 2025)
8 November 2024	4 x Administration/Customer Service trainees for 2 years.	NSW Office for Local Government (OLG), A fresh start for Local Government Apprentices, Trainees and Cadets	4 x Administration/Customer Service trainees for 2 years.	Pending
16 October 2024	Pre-NAIDOC Week Youth Workshop Program	Arts OutWest Inc Community Arts Support Program (CASP)	\$3,000	Pending
18 July 2024	Construction Sewerage Treatment Plant Upgrade	Housing Support Program – Community Enabling Infrastructure Stream	\$11,250,000	Unsuccessful

**14.7 Status Update - March 2025**

File No: Governance/Meetings/Ordinary

Author: Gary Wallace (General Manager), Mathew Webb (Corporate Services Director), Damian O'Shannassy (Planning and Development Director), Dr Cornelia Wiebels (Technical Services Director)

**Summary**

This report item summarises the current status of Council resolutions and provides updates for actions taken.

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**Recommendation:**

That report 14.7 is received as information.

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**List of Attachments**

1. 250313 Status Update March 2025 [**14.7.1** - 32 pages]

**Comment**

Following each Council Meeting the General Manager and Directors review the decisions and agree on a priority for actioning these decisions. Each Director will provide an update to the Council Action Checklist, as well as reporting on actions to the General Manager.

With respect to outstanding actions from previous Council Meetings the General Manager will review these with the Mayor and the Directors on at least a monthly basis.

If any Councillor requires an update on a specific item, they should contact the General Manager or the relevant Director or submit a Councillor Request Form to the Governance and Executive Manager.

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
Ordinary Meeting - Carried over actions from status report	33 150322 Humphries Road Oberon - Partial Road Reconstruction	A report be prepared detailing guidelines for developers in the construction of roads for future consideration by Council.	Damian O'Shannassy	<p><b>02/02/2023 Gary Wallace</b> To be included in an update to the DCP as part of our strategic planning review.</p> <p><b>10/10/2023 Gary Wallace</b> Strategic process to commence in November. Scope complete.</p> <p><b>14/02/2024 Gary Wallace</b> Tender for comprehensive Land Use Strategy to be advertised in February.</p> <p><b>14/03/2024 Gary Wallace</b> Request for Tender uploaded on the e-Tendering Portal with closing date 4 April 2024</p> <p><b>10/04/2024 Gary Wallace</b> Request for Tender to May 2024 Ordinary Meeting.</p> <p><b>10/07/2024 Damian O'Shannassy</b> Tender for CLUS adopted at June Ordinary Meeting. Contract being prepared for signing with the preferred Town Planning consultant.</p> <p><b>03/10/2024 Damian O'Shannassy</b> Contract for the Comprehensive Land Use Strategy review signed with the Consultant and General Manager on 6 September 2024.</p>	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
				<p><b>12/02/2025 Damian O'Shannassy</b> Review of the DCP and Contributions Plan are the last documents to be prepared for a complete Strategic Review.</p>	
Ordinary Meeting - Carried over actions from status report	35 190422 Residential Land Development	<p>1. Nominate the Open Tendering method as prescribed in accordance with Clause 166(b) of the Local Government Regulation 2005 seeking interest in the development of residential land.</p> <p>2. Upon completion of the mandatory 21-day tender period, assessment by a panel will provide a further report to Council for consideration and determination.</p>	Gary Wallace	<p><b>02/02/2023 Gary Wallace</b> Noted – Design Specification and construction plans to supplement the Tender documentation is complete.</p> <p>Advice received for grant opportunities relating to residential and industrial developments to be considered from Regional Infrastructure Fund expected in November/December. Should no additional advice be received Tender will be sent out for costs.</p> <p><b>03/02/2023 Gary Wallace</b> No further progress on the Regional Infrastructure Fund. Given the proximity of the NSW State election it is considered that this fund will be activated after the NSW State election in March. Council will progress to tender.</p> <p><b>14/03/2023 Gary Wallace</b> Tender documents currently being prepared to be exhibited in March 2023.</p> <p><b>10/05/2023 Gary Wallace</b> Current opportunities re being considered for further options for construction. A report</p>	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
				<p>is provided to the May 2023 meeting.</p> <p><b>14/06/2023 Gary Wallace</b> Reported to May 2023 Meeting.</p> <p><b>08/08/2023 Gary Wallace</b> DA being prepared for Council consideration.</p> <p><b>13/09/2023 Gary Wallace</b> The Australian Housing Bill has seen support at a Federal level between the Greens and Labour. Awaiting the detail to see if opportunities for Council exist.</p> <p><b>10/10/2023 Gary Wallace</b> Scope finalised in October, will be uploaded to portal in December.</p> <p><b>14/02/2024 Gary Wallace</b> Council undertaking an assessment of the requirements for the Housing Australia Grant funding opportunity, applications open until 22 March 2024.</p> <p><b>15/05/2024 Gary Wallace</b> Opportunities have potentially arisen from the Federal Budget and will look to progress when and if opportunities present.</p> <p><b>10/07/2024 Gary Wallace</b> New grant opportunities have presented and looking at options to best fit Council's</p>	

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
				<p>needs. Applications open until late August.</p> <p><b>9/10/2024 Gary Wallace</b> A number of grant opportunities have presented and looking at options to best fit Council's needs.</p> <p><b>08/11/2024 Gary Wallace</b> Development application developed in preparation for an assessment process.</p> <p><b>12/02/2025 Gary Wallace</b> Development application lodged.</p> <p><b>13/03/2025 Gary Wallace</b> Further information required as part of the application process. Overland stormwater flows/calculations and assessment would need to be provided as part of the application.</p>	
230418 Ordinary Meeting 18 April 2023	22 - 18/04/2023 Policy 2123 Anti Bullying Positive Working Relationships Policy	That Workplace Behavioural Standards and Expectations Policy 2123 be further reviewed to ensure it is consistent with Policy 2101, and that Complaints Handling Policy 2101 also be reviewed.	Gary Wallace, Mathew Webb	<p><b>09/05/2023 Mathew Webb</b> Review underway</p> <p><b>08/08/2023 Gary Wallace</b> Working group established to critique current policy.</p> <p><b>13/12/2023 Gary Wallace</b> Values and Commitments phase complete. Will be reported to March 2024.</p> <p><b>14/03/2024 Gary Wallace</b> Resourcing (sickness) has delayed this.</p>	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
				<p>The finalisation of this action requires melding of two existing policies.</p> <p><b>13/06/2024 Mathew Webb</b> This will be updated in conjunction with the new Council and other relevant policies such as the Code of Conduct, Complaints Handling and Internal Reporting.</p> <p><b>9/10/2024 Gary Wallace</b> A review of policies will be provided to Councillors in workshop form to provide an understanding of the revised policies so as they align to others within the register. This will mean transitioning from some policies to others. A comprehensive report will be provided to the December Ordinary Meeting.</p> <p><b>12/02/2025 Gary Wallace</b> Councillor and Staff Interaction Policy has been adopted. Code of Conduct and Complaints Handling has been deferred to align with the Model Code provisions developed by the State Government. Upon implementation these will be presented to Council.</p>	
230919 Ordinary Meeting 19 September 2023	15 - 19/09/2023 Delegates to Council Committees	That Council endorse in principle the proposed alternative facility management options for the administration of the independent living units to reduce the associated psychosocial risks to staff with the	Mathew Webb	<p><b>12/10/2023 Mathew Webb</b> Various scenarios and costings still being gathered.</p> <p><b>14/02/2024 Mathew Webb</b> Discussions continue with Columbia</p>	In Progress



Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
		General Manager to provide a variety of options including indicative costings to fund the options.		<p>regarding a community outreach program. Units management model unchanged at this time</p> <p><b>15/05/2024 Mathew Webb</b> Columbia in conjunction with Council submitted a grant application under Innovative Models of Care, Funding Community Supported Rural Primary Care Trials - Federal Government. The application would provide seed funding to kickstart a community outreach program at the ILU. Unfortunately this grant application was not successful.</p> <p>Investigations still underway regarding another appropriate model for the management of the ILUs.</p> <p><b>08/10/2024 Mathew Webb</b> Staff are currently updating the maintenance plans for the units over the short, medium and longer term. No alternative management models have been identified at this stage.</p>	
231219 Ordinary Meeting 19 December 2023	4 - 19/12/2023 Black Springs Land	That:  1. Oberon Council explore compulsory acquisition of the land situation at 67 Dog Rocks Road, Black Springs, (Lot 174, DP757072) being the Black Springs Transfer Station utilising their powers as outlined in	Gary Wallace	<p><b>14/02/2024 Gary Wallace</b> Noted, Telco informed that they are currently in negotiations with private landholder. No further action at this time.</p> <p><b>14/03/2024 Gary Wallace</b> No further information provided by Telco at this stage.</p>	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
		<p>the Land Acquisition (Just Terms Compensation) Act 1991 or other acquisition methods.</p> <p>2. Provide to Council at its February or March Meeting a further report on the acquisition of the subject land at 67 Dog Rocks Road, Black Springs.</p>		<p><b>10/04/2024 Gary Wallace</b> Request for meeting with Telco has been requested to update the current situation.</p> <p>Additional information is provided below outlining the process Council will be required to undertake prior to acquisition being considered by the Crown.</p> <p>When Crown land is needed for a specific public purpose, authorities notify the department that they plan to compulsorily acquire any interest in land as defined by the Crown Land Management Act 2016. This can include any Crown reserves, travelling stock reserves, Crown roads and unidentified Crown land, waterways, substratum and stratum lots, easements and commercial leases.</p> <p>The Just Terms Act requires that acquiring authority to be satisfied that it has identified all interests in the land.</p> <p>Before acquiring land, the authority must consider the rights and interests of Aboriginal people and communities. Compulsory acquisition cannot go ahead where there is an undetermined Aboriginal claim over the land. Native title applies to all Crown land unless the Federal Court has made a native title determination.</p>	

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
				<p>From initial searches no Federal Court determination exists for the subject land.</p> <p><b>10/07/2024 Gary Wallace</b> Meeting held with Federal Member to look at acceleration options for tower. Telco has considered the project 'frustrated' and Federal Member to chase with Federal Communications Minister.</p> <p><b>9/10/2024 Gary Wallace</b> No further information has been provided by Federal Member. All information has been forwarded to Telco to assist in the finalisation of this matter.</p> <p><b>08/11/2024 Gary Wallace</b> Mayoral letter to be forwarded to federal member and telco seeking update on previous information supplied by Council.</p> <p><b>12/02/2025 Gary Wallace</b> Work progressing on "un-frustrating" the site in a location that is currently owned by Council.</p> <p><b>13/03/2025 Gary Wallace</b> Council advised that the Telco will not be proceeding with the project given the site remains frustrated. This has been escalated to the Federal Member and awaiting advice.</p>	

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
231219 Ordinary Meeting 19 December 2023	21 - 19/12/2023 Late Report - Oberon Sewerage Treatment Plant Replacement Project - Tender	That:  1. Council acknowledge the changes to the closing of the new Sewerage Treatment Plant tender from 29 January 2024 to 16 February 2024.  2. The Managing Director/CEO of Public Works Advisory be directed to attend the next Ordinary Council Meeting to explain the significant delay in providing detailed design documents for the Oberon Sewerage Treatment Plant project.  3. Correspondence be forwarded to the Minister responsible for the portfolio outlining the Council's concerns regarding delays to this project.	Gary Wallace	<b>14/02/2024 Gary Wallace</b>  1. Noted 2. Correspondence forwarded to Public Works in line with Council resolution, awaiting response. 3. Correspondence forwarded to Ministers office awaiting response.  <b>14/03/2024 Gary Wallace</b> No response received at this time.  <b>13/06/2024 Gary Wallace</b> Initial response received asking Council to work with PWA to minimise concerns. A further response is being prepared.  <b>9/10/2024 Gary Wallace</b> Initial response to PWA provided. Deed requirements from grants may condition further engagement with PWA.  <b>08/11/2024 Gary Wallace</b> No further information supplied at this time.  <b>12/02/2025 Gary Wallace</b> Looking to progress actions through Infrastructure NSW.  <b>13/03/2025 Gary Wallace</b> Met with Infrastructure NSW and advised accordingly of concerns over the STP	In progress

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
				project. Further information provided to INSW, discussions continue.	
240319 Ordinary Meeting - 19 March 2024	21 - 19/03/2024 Grants Update and Contribution	<p>That Council:</p> <p>1. Commit \$21,000 for a Consultant to undertake a thorough review and determine which is the best project in our Renewable Energy Action Plan and work towards a January 2025 submission under the Community Energy Upgrades Fund.</p> <p>2. That Council consider as part of its ongoing Operational Plan a reserve fund to support energy initiatives as identified from our Renewable Energy Action Plan analysis to help ongoing support for grant funding.</p> <p>3. Note other grant updates and activities have been included in the report.</p>	Mathew Webb	<p><b>15/05/2024 Mathew Webb</b> Consultant appointed and work underway on the development of the plan and grant application documentation</p> <p><b>08/10/2024 Mathew Webb</b> Consultant has completed site visits and including this data in compilation of the report and application.</p> <p><b>06/11/2024 Mathew Webb</b> Draft report has been received from consultant and staff are currently assessing. Both also awaiting outcome of Round 1 grant funding, to see what types of projects have been funded.</p> <p><b>12/12/2024 Mathew Webb</b> Awaiting the opening of Round 2 to understand the guidelines and best approach for the grant application.</p> <p><b>12/02/2025 Mathew Webb</b> We are awaiting the results of Round 1 to undertake analysis on the types of projects that are being supported. No announcement has been provided at this stage, even though applications closed on 30 April 2024.</p>	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
				Round 2 is expected to open in early 2025, although no further details have been provided on this. We don't anticipate any major changes to the program.	
240416 Ordinary Meeting - 16 April 2024	30 - 16/04/2024 STP Construction Tender Update	That Council;  1. Note the Sewerage Treatment Plant Tender Update Report 2. Enter negotiations for the supply of the construction of the Sewerage Treatment Plant with the lowest two (2) compliant Tenderers, given the closeness in the price of the Tenders and Council's wish to achieve the most advantageous supply of the project.	Gary Wallace	<b>15/05/2024 Gary Wallace</b> Await advice on outcome of grant application.  <b>13/06/2024 Gary Wallace</b> Grant application unsuccessful. STP Steering Committee met to discuss options to move the project forward.  <b>10/07/2024 Gary Wallace</b> Council has engaged consultants to look at options for the project to proceed. A report to August is expected.  <b>08/11/2024 Gary Wallace</b> Work progressing with two compliant tenderers whilst grant opportunities continue.  <b>12/12/2024 Gary Wallace</b> Staff progressing through meetings with INSW and DCCEEW.  <b>12/02/2025 Gary Wallace</b> Looking to progress actions through Infrastructure NSW.	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
				<p><b>13/03/2025 Gary Wallace</b> Meeting arranged with Minister for Water on 26 March 2025 to progress matter.</p>	
240521 Ordinary Meeting - 21 May 2024	13 - 21/05/2024 Kerb and Gutter Capital Works Allocations for 2024 - 2025	<p>That Council</p> <p>1. Allocate \$155,000 from the Legacy Town Improvement (TI) unallocated 'Drainage, Kerb &amp; Gutter' allocation to start implementing part of Council's seven-year Kerb &amp; Gutter Capital Works Program in Financial Year (FY) 2024/25 with the project of Edith Road – Canterwell Lane to Ross Street (southern side only, 160m) and investigation, design and installation of drainage in Dudley Street between Dillon Street and the unnamed road to the south.</p> <p>2. Review its Kerb &amp; Gutter program under consideration of required road widening and requirements for significant additional drainage installations including associated costs and alignment with Council's sealed town roads program.</p> <p>3. Further investigate the reported sewer-overflow issue at East Dillon Street through its Technical Services Department and that a report is provided back to Council with findings, recommendations and estimated costings once the investigation has progressed.</p>	Dr Cornelia Wiebels	<p><b>13/06/2024 Dr Cornelia Wiebels</b> 1. Noted. 2. Noted. 3. JO's Smoke Testing contractor Interflow being consulted, smoke testing being scoped within available budget with the aim to commence this in July/August 2024.</p> <p><b>09/07/2024 Dr Cornelia Wiebels</b> 3. Meeting with Interflow held; smoke testing of around 200 properties intended as well as cleaning and CCTV inspection of identified sewer mains; on-site works forecast for September 2024</p> <p><b>07/08/2024 Dr Cornelia Wiebels</b> 3. Smoke testing of 179 properties as well as cleaning and CCTV inspections of selected sewer mains forecast to commence in Sept 2024</p> <p><b>09/10/2024 Dr Cornelia Wiebels</b> Smoke testing commenced in September and already found some issues, however has been postponed and will resumed once any smoke testing related issues are resolved in collaboration with Council's contractor Interflow.</p>	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
				<p><b>05/11/2024 Dr Cornelia Wiebels</b> Smoke testing scheduled to resume in the week starting 11 November 2024</p> <p><b>05/12/2024 Dr Cornelia Wiebels</b> Smoke testing complete. Report expected back to outline required action from smoke testing; some illegal connections identified during smoke testing requiring correction.</p> <p><b>12/02/2025 Dr Cornelia Wiebels</b> Smoke testing report currently being reviewed by staff. Additional analysis in the area is being undertaken to determine appropriate recommendations for Council to consider.</p> <p><b>10/03/2025 Dr Cornelia Wiebels</b> No further updates available at this time. A report to be tabled to the April Ordinary Meeting.</p>	
240521 Ordinary Meeting - 21 May 2024	16 - 21/05/2024 Oberon Common Footpath Extension	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council commence construction of the footpath identified on the Common Master Plan from Curtis Street to the link path at the Common.</li> <li>2. The funding be provided from the internal reserve for railway crossings and unallocated Town Improvement Fund.</li> </ol>	Dr Cornelia Wiebels	<p><b>13/06/2024 Dr Cornelia Wiebels</b> Design work is required for the footpath so as to meet the requirements of Council's DIAP. The grades of the path will require design for contractors to appropriately quote. Design consultant engaged - Parks and Gardens update in Technical Services Monthly Activity Report, June 2024</p> <p><b>07/08/2024 Dr Cornelia Wiebels</b> Detailed design completed to Australian Accessibility Standards.</p>	In Progress



Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
				<p>Consultant engaged to undertake sampling &amp; testing along the planned path for (naturally occurring) asbestos.</p> <p>An open tender is being considered in conjunction with the O'Connell Rec Ground Shared Path (report to August 2024 Ordinary Meeting).</p> <p><b>09/10/2024 Dr Cornelia Wiebels</b> Asbestos was detected in one sample along the planned footpath; it needs to be considered further how this will be managed prior to progressing with further construction preparation.</p> <p><b>05/11/2024 Dr Cornelia Wiebels</b> Consultant engaged to develop a Remediation Action Plan.</p> <p><b>05/12/2024 Dr Cornelia Wiebels</b> Received Remediation Action Plan; Plan to be reviewed to assess implications on how to proceed.</p> <p><b>12/02/2025 Dr Cornelia Wiebels</b> Removal of approximately 20m<sup>3</sup> of soil required from site via specialist contractor; seeking quotes for construction.</p> <p><b>13/03/2025 Dr Cornelia Wiebels</b> Assessing quotations for the removal of</p>	

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
				the asbestos contamination; they are in the order of \$20k.	
240611 - Extraordinary Council Meeting - 11 June 2024	4 - 11/06/2024 Proposed Heritage Listing of The O'Connell Avenue of Trees	That Council,  1. Update the draft State Heritage Inventory Sheet for the Avenue of Trees at O'Connell (ref 2210207) . 2. Prepare a Planning Proposal for the individual listing of the Avenue of Trees at O'Connell as a local item for inclusion in Schedule 5 of the Oberon LEP 2013 3. Advise the local community in O'Connell to consider liaising with Heritage NSW, based on the State level assessment of the 1998 CMP, with a longer-term view of nominating the Avenue of Trees for inclusion separately on the State Heritage Register.	Damian O'Shannassy	<b>13/06/2024 Damian O'Shannassy</b> Staff have contacted State Heritage who have requested some information of Council.  Council's Heritage Advisor has been engaged to update the State Heritage Inventory Sheet.  <b>01/10/2024 Damian O'Shannassy</b> Work is progressing on the Planning Proposal including but not limited to mapping of the item.  <b>8/11/2024 Gary Wallace</b> Heritage Advisor continue to progress the State Listing with NSW Heritage. All documentation has been prepared for State to consider  <b>12/12/2024 Damian O'Shannassy</b> Report to December provided outlining current activity undertaken  <b>12/02/2025 Damian O'Shannassy</b> Planning proposal has been submitted to the Department of Planning for a gateway determination.	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
240716 Ordinary Meeting - 16 July 2024	14 - 16/07/2024 MOU with O'Connell Cricket Club re O'Connell Recreation Ground	That Council:  1. Receive and note the report  2. Applaud the intention of O'Connell Cricket Club to enter into a MOU with Council  3. Delegate the GM to negotiate the MOU with the O'Connell Cricket Club and gather more details and outline responsibilities  4. The finalised MOU to come back to August 2024 Ordinary Meeting, if possible, for approval	Gary Wallace	<b>08/10/2024 Gary Wallace</b> Meeting with O'Connell Cricket Club undertaken in September 2024. Awaiting final information prior to finalising the MOU in draft form.  <b>08/11/2024 Gary Wallace</b> Awaiting final information from O'Connell Cricket Club to finalise the draft. Upon receipt the MOU will be forwarded to the next available meeting.  <b>13/03/2025 Gary Wallace</b> Report provided to March Ordinary Meeting	Matter closed
241015 Ordinary Meeting - 15 October 2024	5 - 15/10/2024 Central NSW Joint Organisation Board Meeting and Meeting with Federal Ministers 21 and 22 August 2024	That Council note the report from the General Manager on the Central NSW Joint Organisation (CNSWJO) Board meetings 21 and 22 August 2024 and  1. Note a welcome to new Councillors session is under development for November 2024; 2. Note the cost savings to Councils for streetlighting charges from CNSWJO's negotiation through the Australian Energy Regulator delivering an average of 16.9% across regional NSW; 3. Note the Return on Investment from the CNSWJO for the 2023/2024 year of 8.3:1 for membership fees; and	Gary Wallace	<b>06/11/2024 Gary Wallace</b> Information noted.  Request for presentation to Council submitted for timetabling by Joint Organisation.	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 March 2025

Document	Item	Action Required	Assignee/s	Action Taken	Status
		4. Request a presentation from CNSWJO on its programming.			
241107 Extraordinary Council Meeting - 7 November 2024	Delegates to External Organisations and Appointment of Council Committees	That: 1. Council confirm its appointment of Councillor Delegates to external organisations, noting the Joint Regional Planning Panel delegates to be appointed by secret ballot. 2. Council confirm its appointments and Chair of the Section 355 Committees; and make appointments to other Council Committees, Community Committees and Working Parties for a period of 2 years as follows:  Oberon Council - Delegates to External Organisations	Gary Wallace	<b>12/12/2024 Gary Wallace</b> External organisations advised of the appointed delegates. Council has advertised seeking members of the community interest in nominating to be appointed to Section 355 Committees. A further report will be provided to the February 2025 Ordinary Meeting.  <b>12/02/2025 Gary Wallace</b> Difficulties have been experienced attracting appropriate community representation on a number of committees. Staff are conducting a direct approach to previous committee members and those that had previously shown interest. At the completion of these approaches a report will be presented to Council seeking endorsement.  <b>13/03/2025 Gary Wallace</b> Report provided to March Ordinary Meeting.	Matter closed
241112 Ordinary Meeting - 12	10 - 12/11/2024 Rural Fire Service - Oberon Station	That Council:  1. Provide in principle support to the NSW RFS to allow for a grant application to be prepared for the	Gary Wallace	<b>12/02/2025 Gary Wallace</b> Correspondence forwarded to RFS seeking additional information in relation to a co-located facility. Awaiting response.	In progress

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Document	Item	Action Required	Assignee/s	Action Taken	Status
November 2024		<p>construction of a new Fire Station.</p> <p>2. Delegate authority to the General Manager to identify the parcel of land and the land area required and provide a report back to Council for determination for Council to make a decision to adequately assist the lodgement of a grant application.</p> <p>3. A further report be provided to Council should it be necessary for a grant application.</p>			
241217 Ordinary Meeting - 17 December 2024	5 - 17/12/2024 Land at Glyndwr Avenue	<p>That the General Manager:</p> <p>a. Approach a real estate agent to obtain two appraisals of the property, with the playground equipment removed, as follows:</p> <p>i. As is with no sewer connection or water connection installed;</p> <p>ii. With sewer connection and water connection installed</p> <p>b. Obtain a quote from one of more plumbers (as required by Procurement policy) to install the sewer connection and water connection to the property.</p> <p>c. On the basis of the most effective cost alternative for council after undertaking a) and b) the</p>	Gary Wallace	<p><b>12/02/2025 Gary Wallace</b> Quotes have been obtained for sewer connection and unsewered connection. Quotes obtained from real estate agents regarding costs. Work will commence on preparing sale documents.</p> <p><b>13/03/2025 Gary Wallace</b> Local real estate agent engaged to market the property and anticipated to occur in late march early April.</p>	Matter closed.

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Document	Item	Action Required	Assignee/s	Action Taken	Status
		property be put up for sale at the recommended sale price.			
241217 Ordinary Meeting - 17 December 2024	6 - 17/12/2024 Social and Economic Impact Analysis of Proposed Oberon Wind Farm Projects	<p>That Oberon Council seek funding to prepare a Social and Economic Impact Analysis of proposed wind farm projects in our local government area. Prospective funding sources include:</p> <ul style="list-style-type: none"> <li>· NSW Government Grants</li> <li>· Stromlo/Tag Energy/Forestry Corporation</li> </ul> <p>The Social and Economic Impact Analysis would look specifically at the social and economic impacts of wind farm projects on the Oberon community, businesses and Council.</p>	Gary Wallace	<p><b>12/02/2025 Gary Wallace</b> Email correspondence and council official letters have been forwarded to TAG/Stromlo and Forestry. Initial contact with Government has been undertaken. Will await outcome of letters from the three parties prior to any further action.</p> <p><b>13/03/2025 Gary Wallace</b> Forestry has advised they are not in a position to commit funds. Await further correspondence from other parties.</p>	In progress
241217 Ordinary Meeting - 17 December 2024	17 - 17/12/2024 Playground Risk Assessment Further Report	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Endorse the removal of all non-compliant play equipment at the parks at Armstrong Place, Bligh Street, Buckley Crescent, Burruga, Cunynghame Oval, Glyndwr Avenue North, Glyndwr Avenue South and Miss Wilson (Option A).</li> <li>2. Approve the proposed Works Program for the parks at Buckley Crescent, Burruga, Cunynghame Oval, Hassall Park, Herb David, the</li> </ol>	Dr Cornelia Wiebels	<p><b>12/02/2025 Dr Cornelia Wiebels</b></p> <ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. Noted. Additional funds to be added in FY25/26 to complete program.</li> <li>3. Communications Strategy prepared, first stage going out in week ending 14/2/25 with equipment starting to be removed early March 2025.</li> <li>4. Pending future funding.</li> </ol> <p><b>10/03/2025 Dr Cornelia Wiebels</b> Progress continues on undertaking stage 1 of the project following communications strategy being rolled out in February.</p>	In Progress

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Document	Item	Action Required	Assignee/s	Action Taken	Status
		<p>Pool and multiple playground areas within the Oberon Common (Option A).</p> <p>3. Implement a Communications Strategy outlining the rationale behind the need to remove the current non-compliant play equipment and what mechanisms Council proposes to replace the non-compliant equipment.</p> <p>4. Receive a further report with the aim to consider the implementation of a Playground Service Hierarchy.</p> <p>5. Replace play equipment in Armstrong Place, Buckley Crescent, Bligh Street, Miss Wilson Park and Glyndwr Avenue South in a staged process as funds for this purpose become available.</p>			
241217 Ordinary Meeting - 17 December 2024	19 - 17/12/2024 Financial Assistance Policy 2209	<p>That Council:</p> <p>1. Place the renewed Financial Assistance Policy 2209 on public exhibition for a period of 42 days, inviting public submissions during this time.</p> <p>2. Note the proposed removal of annual recurrent donations and</p>	Mathew Webb	<p><b>12/02/2025 Mathew Webb</b> Public exhibition completed. A separate report provided to February Ordinary Meeting</p> <p><b>13/03/2024 Mathew Webb</b> Policy endorsed at February Ordinary Meeting.</p>	Matter closed

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Document	Item	Action Required	Assignee/s	Action Taken	Status
		<p>consultation process with impacted community organisations.</p> <p>3. Note that a subsequent report summarising the consultation outcomes and submissions received will be presented to Council before the final adoption of the policy.</p>			
241217 Ordinary Meeting - 17 December 2024	20 - 17/12/2024 Policy 1101 - Model Code of Meeting Practice	That Council defer consideration of Policy 1101 until further clarification is available regarding the amendments proposed by the Minister for Local Government to the Model Code of Meeting Practice.	Gary Wallace	<b>12/02/2025 Gary Wallace</b> Awaiting further advice from Office of Local Government	In progress
250218 Ordinary Meeting - 18 February 2025	9 - 18/02/2025 Quarterly Budget Review Statement 2 - October - December 2024	<p>That Council:</p> <p>1. Note movements from previous resolutions incorporated into Quarterly Budget Review process.</p> <p>2. Endorses the following Operational Plan budget adjustments</p> <p>a. Adjustments to Local Roads and Community Infrastructure Phase 4 projects and expenditure revisions.</p> <p>b. Additional capital works of \$300,000 for the Sewer Rising Main Program from Sewer Fund reserves.</p> <p>c. An additional capital project of</p>	Mathew Webb	<b>13/03/2025 Mathew Webb</b> Noted	Matter closed



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Document	Item	Action Required	Assignee/s	Action Taken	Status
		<p>\$60,000 for the survey, concept development and detailed design of a new landfill cell from Waste Fund reserves.</p> <p>d. An \$85,000 increase in the consultant budget from Waste Fund reserves for the development of a new waste strategy.</p> <p>3. Authorises the General Manager to make minor administrative changes as required.</p>			
250218 Ordinary Meeting - 18 February 2025	10 - 18/02/2025 Policy 2212 - Borrowing Policy	<p>That Council:</p> <p>1. Place the revised Borrowing Policy 2212 on public exhibition for 28 days and invite submissions from the public during that period.</p> <p>2. Adopt the policy as presented if no submissions are received within the exhibition period.</p> <p>3. Delegate authority to the General Manager to make minor amendments if required.</p>	Mathew Webb	<p><b>13/03/2024 Mathew Webb</b> No submissions received, policy endorsed.</p>	Matter closed
250218 Ordinary Meeting - 18	11 - 18/02/2025 DEVELOPMENT APPLICATION DA2024.073 – Dwelling and	<p>That:</p> <p>1. Council vary Part C5.5 – “Building Height Plane”, Part C.5.7 – “Setback from the Street” and Part C6.4 – “Carports and Garages” of its current</p>	Damian O’Shannassy	<p><b>13/03/2025 Damian O’Shannassy</b> Consent issued.</p>	Matter closed

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Document	Item	Action Required	Assignee/s	Action Taken	Status
February 2025	Shed at 11 Ellis Drive, Oberon	DCP 2001 in relation to Development Application DA2024.073 for a dwelling and shed at Lot 221 in DP 1308486 being known as 11 Ellis Drive, Oberon.			
250218 Ordinary Meeting - 18 February 2025	5 - 18/02/2025 DEVELOPMENT APPLICATION DA2024.056 – Three Lot Subdivision at 72 Humphries Drive, Oberon	That. 1. Council approve Development Application DA2024.056 for a Three Lot Torrens title Subdivision of land at Lot 46 in DP 1272904, being known as 72 Humphries Drive OBERON in accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained within this report, for the following reasons: · The development is permissible within the Oberon Local Environmental Plan 2013. · The development complies with the Oberon Local Environmental Plan 2013. · The development is considered to be appropriate and will not impact the locality unreasonably. 2. Conditions of consent to include; a. That the right of carriage way be bitumen sealed to a minimum of 4 metres wide; b. The current tree buffer zone be extended along the northern boundary of Lot 461.	Damian O'Shannassy	<b>13/03/2025 Damian O'Shannassy</b> Consent issued.	Matter closed

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Document	Item	Action Required	Assignee/s	Action Taken	Status
		3. A division be called in accordance with Section 375A of the Local Government Act 1993.			
250218 Ordinary Meeting - 18 February 2025	11 - 18/02/2025 DEVELOPMENT APPLICATION DA2024.079 – Alterations and Additions to a Dwelling at 7 Glyndwr Avenue, Oberon	That. 1. Council vary Part C5.5 – “Building Height Plane” of its DCP 2001 in relation to Development Application DA2024.079 for alterations and additions to a dwelling at Lot 1 in DP 782121 being known as 7 Glyndwr Avenue, Oberon.  2. A division be called in accordance with Section 375A of the Local Government Act 1993.	Damian O’Shannassy	<b>13/03/2025 Damian O’Shannassy</b> Consent issued.	Matter closed
250218 Ordinary Meeting - 18 February 2025	6 - 18/02/2025 DEVELOPMENT APPLICATION 10.2023.30.1 - Recreation Facility (Outdoor - Motorcycle Facility), and Accommodation	That Council defer the decision on DA 10.2023.30.1 and request a further report on the Draft Conditions be brought back to the March Council Meeting to address concerns regarding access and signage via Arkstone Road and Section 711 contributions applicable to the site.	Dr Cornelia Wiebels	<b>13/03/2025 Damian O’Shannassy</b> Further report provided to March Ordinary Meeting.	Matter closed
250218 Ordinary Meeting - 18 February 2025	13 - 18/02/2025 DEVELOPMENT APPLICATION DA2024.085 – Dwelling at 104 Arties Road, Mount Olive	That Council:  1. Vary the restriction on title on Lot 3 in DP 1075939 in relation to development application DA2024.085 and Section 68 application S682024.036 for a dwelling on the subject land known as 104 Arties	Damian O’Shannassy	<b>13/03/2025 Damian O’Shannassy</b> Consent issued.	Matter closed

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Document	Item	Action Required	Assignee/s	Action Taken	Status
		Road, Mount Olive.  2. A division be called in accordance with Section 375A of the Local Government Act 1993.			
250218 Ordinary Meeting - 18 February 2025	14 - 18/02/2025 DEVELOPMENT APPLICATION DA2024.092 – Dwelling at 57 Glendalough Road, Oberon	That  1. Council vary the restriction on title on Lot 96 in DP 1238111 in relation to development application DA2024.092 and Section 68 application S682024.040 for a dwelling on the subject land known as 57 Glendalough Road, Oberon.  2. A division be called in accordance with Section 375A of the Local Government Act 1993.	Damian O'Shannassy	<b>13/03/2025 Damian O'Shannassy</b> Consent issued.	Matter closed
250218 Ordinary Meeting - 18 February 2025	15 - 18/02/2025 ARIC Member Resignation and Recruitment	That Council:  1. Note the resignation of Mr Ron Gillard and formally acknowledge his contributions to the Oberon Audit, Risk and Improvement Committee. 2. Approve the commencement of an open expression of interest process to recruit a new Independent Member to the Committee.	Mathew Webb	<b>13/03/2025 Mathew Webb</b> Rescission motion received for consideration at the March Ordinary Meeting.	Matter closed
250218 Ordinary Meeting - 18 February 2025	18 - 18/02/2025 Financial Assistance Policy 2209	That Council:  1. Endorse the updated Financial Assistance Policy 2209 and incorporate the changes into the	Mathew Webb	<b>13/03/2025 Mathew Webb</b> Applications for Section 356 donations open and panel will convey upon closure of the application period.	Matter closed

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Document	Item	Action Required	Assignee/s	Action Taken	Status
February 2025		<p>development of the 2025/26 Operational Plan.</p> <p>2. Nominate Councillor Alevras to the Financial Assistance Program evaluation panel.</p> <p>3. Note that the Mayor has nominated Councillor O'Connor as a delegate to the evaluation panel.</p> <p>4. Delegate authority to the General Manager to make minor amendments if required.</p>			
250218 Ordinary Meeting - 18 February 2025	17 - 18/02/2025 Central Tablelands Weeds Authority Funding Request	<p>That Council:</p> <p>1. Commit an additional \$50,408.26 from the Technical Services allocation to complete section 1 of the program.</p> <p>2. Indicate to CTWA that they wish to extend the current program from 3 to 4 years subject to Council decision as to whether to continue with the CTWA Roadside Weed Spraying Program.</p> <p>3. Commit to including an extended allocation within the 2025-26 Operational Plan in an attempt to bring the period to within a 3 year program.</p> <p>4. Obtain further reports be provided</p>	Gary Wallace	<p><b>13/03/2025 Gary Wallace</b> Central Tablelands Weeds Authority advised of additional funding provided to complete Stage 1.</p> <p>RFQ will be provided in the 2025/26 financial year seeking quotations for Roadside verge spraying in accordance with Council's resolution.</p>	In Progress

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Document	Item	Action Required	Assignee/s	Action Taken	Status
		<p>by CTWA in relation to the Roadside Weed Spraying program.</p> <p>5. Investigate for the 2025/26 period issuing a request for tender to potential contractors to undertake the work directly for Council on roadsides. Further on receipt of the tenders provide a report to Council as a comparison of CTWA costings.</p>			
250218 Ordinary Meeting - 18 February 2025	29 - 18/02/2025 Tender - RFT 24/09 Supply of Traffic Control Services	<p>That:</p> <p>1. Council endorses the recommendation of the Tender Evaluation Panel and accepts a panel of suppliers for Traffic Control Services 2 x 2 years options maximum allowable contract period of 4 years - Tender Reference RFT 24-09.</p> <p>2. Mid-West Traffic Management (Orange) Pty Ltd, Workcontrol Operations Pty Ltd and DC Civil Enterprises Pty Ltd be Council's preferred suppliers.</p> <p>3. The Formal Instrument of Agreement and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the General Manager and delegate</p>	Dr Cornelia Wiebels	<b>13/03/2025 Dr Cornelia Wiebels</b> Contract documents signed.	Matter closed

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Document	Item	Action Required	Assignee/s	Action Taken	Status
		the Director of Technical Services as the Principal's Representative.			
250218 Ordinary Meeting - 18 February 2025	28 - 18/02/2025 Tender - RFT 24/08 Sprayed Bituminous and Aggregate Supply	That Council:  1. Endorse the recommendation of the Tender Evaluation Panel and accept a panel of suppliers for Sprayed Bituminous and Aggregate Supply Services 2 x 2 years options maximum allowable contract period of 4 years - Tender Reference RFT 24-08 with Fulton Hogan Industries Pty Ltd, Stabilised Pavements of Australia (SPA) Pty Ltd, Roadworx Pty Ltd, Building and Civil Pty Ltd being Council's preferred suppliers.  2. Authorise the General Manager to execute the Formal Instrument of Agreement and any other associated documents in accordance with cl165 of the Local Government Regulation with the Director of Technical Services as the Principal's Representative.	Dr Cornelia Wiebels	<b>13/03/2025 Dr Cornelia Wiebels</b> Contract documents signed.	Matter closed
250218 Ordinary Meeting - 18 February 2025	31 - 18/02/2025 Tender RFT 24/10 Full or Partial Stabilisation Service	That:  1. Council endorses the recommendation of the Tender Evaluation Panel and accepts a panel of suppliers for Full or Partial Stabilisation Services 2 x 2 years options maximum allowable contract	Dr Cornelia Wiebels	<b>13/03/2025 Dr Cornelia Wiebels</b> Contract documents signed.	Matter closed

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Document	Item	Action Required	Assignee/s	Action Taken	Status
		<p>period of 4 years - Tender Reference RFT 24-10.</p> <p>2. Stabilised Pavements of Australia Pty Ltd, Fulton Hogan Industries Pty Ltd, Roadworx Surfacing Pty Ltd, Downer EDI Pty Ltd, Stabilcorp Pty Ltd, Denrith Pty Ltd, Peters Earthmoving Pty Ltd, Hibbo Hire Pty Ltd be Council's preferred suppliers.</p> <p>3. The Formal Instrument of Agreement and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the General Manager and delegate the Director of Technical Services as the Principal's Representative.</p>			
250218 Ordinary Meeting - 18 February 2025	31 - 18/02/2025 Electricity Procurement - Central NSW Joint Organisation Procurement	<p>That Council:</p> <p>1. Note the report on electricity procurement for small market sites;</p> <p>2. Participates in the regional procurement process, facilitated by Central NSW Joint Organisation, for the supply of electricity for small market sites;</p> <p>3. Note the extreme volatility of the energy market currently being experienced;</p>	Gary Wallace	<b>13/03/2025 Gary Wallace</b> CNSW JO advised of Council's resolution	Matter closed



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Document	Item	Action Required	Assignee/s	Action Taken	Status
		<p>4. Agree to purchase 50% of renewable energy for each site;</p> <p>5. Note the short timeframe for acceptance of offers for the supply of electricity;</p> <p>6. Resolve that because of the extenuating circumstances set out in the report a satisfactory result would not be achieved by inviting tenders for the aggregated procurement of electricity for small market sites which are due to commence on 1 January 2025;</p> <p>7. Note that the reasons for the decision of the Council in resolution 6 are as follows:</p> <p>a. The services with respect to which the tender relates can only be provided by energy retailers.</p> <p>b. Council has received expert advice that due to the nature of the relevant market, offers from those retailers which will be made in response to the request for tender will only be open for acceptance for a period of 1-2 weeks.</p> <p>c. Even if the tender period was</p>			

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Document	Item	Action Required	Assignee/s	Action Taken	Status
		<p>shortened to 7 days as permitted under the Regulations, some if not all of the relevant tenders would expire prior to Council being able to undertake an assessment of tenders, report the matter to Council and resolve to accept or reject any tenders.</p> <p>d. This would result in Council either having no valid tenders which it is able to accept, or it would not be able to consider for acceptance all of the tenders lodged in response to the request for tender.</p> <p>e. This would not be a satisfactory result for Council.</p> <p>8. Delegate the determination, acceptance or rejection of proposals on behalf of Council to the General Manager;</p> <p>9. Delegation the execution of the contract for the supply of electricity for small sites to the General Manager;</p> <p>10. Receive a report on conclusion of the process detailing the outcome; and</p> <p>11. Advise Central NSW Joint Organisation of its decisions.</p>			

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<b>Document</b>	<b>Item</b>	<b>Action Required</b>	<b>Assignee/s</b>	<b>Action Taken</b>	<b>Status</b>
250218 Ordinary Meeting - 18 February 2025	34 - 18/02/2025 Construction of an 11 (Eleven) Lot Industrial Subdivision - Oberon	A project report be presented to the March 2025 Ordinary Meeting detailing the variations within the report, the cost of work to the date of that report and the project total cost of the project.	Gary Wallace	<b>13/03/2025 Gary Wallace</b> Further report provided to March Ordinary Meeting.	Matter closed

**14.8 Questions Taken on Notice at the Previous Meeting**

File No: Governance/Meetings/Ordinary

Author: Gary Wallace (General Manager)

**Summary**

This report item provides a formal record of questions taken on notice at the previous Council meeting and subsequent responses.

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**Recommendation:**

That report 14.8 is received as information and the responses noted.

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**List of Attachments**

Nil

**Comment**

**Question:** Michael Kantaras, Oberon resident – Fish River Reserve

1. In the bush towards Lake Oberon there are huge amounts of scotch bloom along the dam and along the foreshore, it is quite dense in some parts. From what I can see, where work was done some of the scotch bloom has perished, which is great. I am asking if that project is going to be continuing and weather it was an Oberon Council project, or who was involved?
2. There are some really big trees that have fallen over fire trails in the bush at the back of the reserve, can that be looked at?

**Response:**

1. Council has not undertaken weed control works in this area outside the existing water treatment plant area. Spraying of scotch bloom in this location would have been done independently of council processes. Central Tablelands Weeds Authority have been advised, asking if they have undertaken a program in this location, no response has been received at this point. Should that not be found to be a program they have initiated, council has a responsibility under its Crown Land Plan of Management. The area is categorised as bushland with the Management Plan indicating that the vegetation within the Reserve forms an important natural barrier to Oberon Dam/Lake.
2. The maintenance of the fire trail has been limited through budget constraints from RFS as has a number of fire trails across the LGA. This area will again be referred to RFS seeking contribution towards maintenance.

A number of questions were asked in relation to Development Applications that were considered at the February 2025 Ordinary Meeting. These questions related to matters that were determined (or deferred) during the meeting and no further response is required as all relevant matters are considered within the assessment reports.

A number of people gave verbal presentations in relation to notices of motion and these were noted.

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**14.9 Waste Update**

File No: TS/Waste

Author: Dr Cornelia Wiebels (Technical Services Director)

**Summary**

This report is to provide Council with an overview of the current state of waste management within Oberon Council, including planned projects and ongoing challenges.

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**Recommendation:**

That report Item 14.9 is received as information.

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**List of Attachments**

1. Oberon Council - Review of operations - Oberon Waste facility - Ver 1.0 - August 2021 [14.9.1 - 63 pages]
2. Oberon Council - Oberon Waste Facility - Progress review - November 2024 [14.9.2 - 3 pages]

**Comment**

Changing waste-related legislation generally aims at moving towards reductions in waste and emission generation and increases in material re-use and recycling; targets include total waste reductions, increased waste stream recovery rates, reduced organic waste to landfill and reduced emissions from organic waste, increased plastics recycling rates and reduction of problematic and unnecessary plastics as well as reductions in illegal dumping.

A workshop with Council was held in September 2023 to provide a summary of the waste management related legislative and policy landscape, detail some key waste management data, identify likely legislative and policy changes that will impact Council's operation and to look at Council's kerbside collection and waste management services.

**Background**

Oberon Council currently provides kerbside collection to the township of Oberon for one 240-litre bin per week, with no waste separation opportunity provided through the kerbside collection process. Council's LGA has a population of 5,580 (ABS 2021) with 2,540 people living in Oberon and 1,169 in smaller villages – in Oberon, 1,120 domestic bins are collected weekly plus 126 commercial bins.

The Oberon Waste Depot currently features a community recycling centre, where a variety of recyclable items are accepted free of charge, free domestic green waste disposal, free disposal of clean steel, fee-paying mattress and tyre collections as well as the landfill.

Unique about Oberon is its extensive industrial activity, resulting in a ratio of 3.5 to 1 of commercial/industrial to municipal waste delivered to the Oberon Waste Facility (by volume).

There are Waste Transfer Stations in the villages of Burruga and Black Springs (open every second Tuesday, Thursday and Sunday for two hours each), where domestic rubbish and scrap metal is accepted.

There currently is a total of two full-time Waste Facility Operators.

**Regulatory Environment**

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The regulatory environment relating to waste management and resource recovery is complex and overlapping with several other economic and environmental themes.

Applicable policies and strategies include:

- National Waste Policy Action Plan 2019
- Circular Economy Policy Statement
- NSW Net Zero Plan- Stage 1 2020-2030
- Waste and Sustainable Materials Strategy 2041
- EPA Climate Change Policy and Action Plan 2023-26
- Illegal Dumping Prevention Strategy 2022-2027
- NSW Litter Prevention Strategy 2022-2030
- NSW Energy from Waste Policy Statement 2021
- NSW Plastics Action Plan 2021

Applicable regulatory instruments include:

- Local Government Act 1993
- The Environmental Planning and Assessment Act 1979
- Protection of the Environment Operations Act 1997
- Environment Protection Licence 20289
- Protection of the Environment Operations (Waste) Regulation 2014
- Resource Recovery Order(s) / Exemption(s)
- Protection of the Environment Operations (General) Regulation 2014
- Waste Avoidance and Resource Recovery Act 2001
- Plastic Reduction and Circular Economy Act 2021

Potential future regulatory requirements include:

- Food and garden organics mandates
- Waste levy
- Climate Change Assessment Requirements and Guide

### **Environmental Protection Licence (EPL) – Pollution Reduction Program (PRP)**

Council's current EPL (20289, latest licence version date 22 December 2022) has conditions attached to it under section 8 *Pollution Studies and Reduction Programs*, as per below (pages 22 and 23 of the licence), requiring the completion of short, medium and long-term actions.

The associated JS Regulatory Services (JSRS) *Review of Operations for the Oberon Waste Facility* (August 2021, Version 1.0) is attached, containing the various actions. Also attached is the November 2024 JSRS *Progress inspection – Improvement Works Oberon Waste Facility* report. It was submitted to the EPA as per condition U1.4. Remaining is the request for a licence variation to account for the delayed dates on outstanding items.

#### **A. 6-months window**

8. Prepare final landform design
12. Develop concept plan for the layout of the site facilities
19. Install a single lane weighbridge
20. Undertake a water balance for the site
21. Design diversion, dirty and leachate catchments
28. Review existing groundwater monitoring program

#### **B. 12-months window**

24. Cover areas of the landfill that have reached intermediate or final levels
25. Implement diversion, dirty and leachate catchments
26. Establishment of sediment basins from dirty catchments
27. Establish routine quality monitoring of leachate
29. Expansion of surface water monitoring
37. Evaluate incoming vehicle data from weighbridge

## **Environment Protection Licence**

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Licence - 20289

### **8 Pollution Studies and Reduction Programs**

#### **U1 Landfill Management Improvement Actions**

##### **Short term actions**

U1.1 The licensee must complete the short term actions, as identified in table 6.1 (pages 49 and 50) of the JS Regulatory Services report titled 'Review of Operations for the Oberon Waste Facility' (August 2021, Version 1.0), by 31 January 2023. Actions 13 and 14 must be completed by the dates indicated under condition U1.2.

Note: Action items 3, 5, 8, 12 and 15, while categorized as short term actions in Table 6.1, are to be completed as per the time frames under conditions U1.2 and U1.3 as appropriate.

##### **Medium term actions**

U1.2 The licensee must complete the medium term actions, as identified in Table 6.2 (pages 50 - 52) of the JS Regulatory Services report titled 'Review of Operations for the Oberon Waste Facility' (August 2021, Version 1.0), by the dates indicated below.

By 30 June 2023 - Actions 8, 12, 22, 23, 28, 31, 33, 34, 35, 36; and  
By 30 December 2023 - Actions 19, 20, 21 and 32.

Note: Action 8 must be completed by the above date however the requirement to develop interim filling plans will be completed once the licensee has access to more accurate data on incoming waste to the premises.

##### **Long term actions**

U1.3 The licensee must complete the medium and long term actions, as identified in Tables 6.2 and 6.3 (pages 50 - 52) of the JS Regulatory Services report titled 'Review of Operations for the Oberon Waste Facility' (August 2021, Version 1.0), by the date indicated below.

By 30 December 2024 - Actions 24, 25, 26, 27, 29 and 37.  
By 30 December 2025 - Actions 3, 5, 15, 41, and 42.

##### **Reporting**

U1.4 The licensee must provide the EPA with progress reports that summarise the status of all proposed actions covered by licence conditions U1.1, U1.2 and U1.3 including those actions completed, those actions currently underway and those actions that are yet to be commenced. These reports must be prepared 6 monthly (the first to be prepared and submitted no later than 10 February 2023) and continue until all actions have been completed. The progress reports must be submitted to the EPA via [EPA.Southopsregional@epa.nsw.gov.au](mailto:EPA.Southopsregional@epa.nsw.gov.au).

#### **Landfill Space at the Oberon Waste Depot – Upcoming Project**

Council previously obtained approval for the development of a new landfill cell to the west of the current fill. A drone survey, concept design and detailed design is required prior to tendering for construction.

Council has engaged a specialist consultant to undertake the survey and concept design.

### **Strategic Planning in Waste – Upcoming Project Waste Strategy**

A reverse brief for the *Oberon Waste and Resource Recovery Strategy* has been prepared to satisfy the following objectives:

- Regulatory Compliance – Alignment with the NSW Waste and Sustainable Materials Strategy, including likely implementation of Food Organics and Garden Organics (FOGO) services by 2030.
- Waste Diversion and Sustainability – Increase resource recovery and recycling rates, reduce contamination, divert a significant proportion of organic waste from landfills, reduce overall waste landfilling quantities, and promote a circular economy.
- Community Engagement and Education – Foster a culture of sustainability through public education campaigns and initiatives that encourage active participation in proper waste management practices.
- Infrastructure and Service Improvement – Assess and enhance existing waste management infrastructure and services to meet current and future needs effectively.
- Long-Term Strategic Planning – a clear roadmap for Council to achieve its waste management goals while accommodating population/industry growth and changing environmental legislation.

Quotes are currently being sought with the aim to complete the Strategy by the end of 2025.

This project has been delayed due to the significant changes in federal and state legislation over the last 12 months. A strategic document assisting Council in guiding these changes is considered the best way to educate, engage and support our community in this ever changing space.

### **Burruga and Black Springs Transfer Stations – Operations**

Up until recently, these were opened via an external contractor, who also owned and transported the approximately 3,000-litre bins (one at each site) to the Oberon landfill and disposed of their contents there.

Council has now taken over operation of these facilities, with the most appropriate process for on-site collection and transportation of the accrued waste being determined.

### **Weighbridge Development**

Work continues on the construction of a weighbridge at the Oberon Landfill in accordance with the recommendations outlined the JSRS report. Substantial delays have been attributed to the following:

- Delays in developing a cost effective plan to deliver power to the facility
- Movement and location of the weighbridge to comply with appropriate building standards
- Delays in being provided with appropriate design detail from supplier
- Weather impacts
- Staff resourcing

It is anticipated that the weighbridge will be operational by the end of April 2025. The construction of the weighbridge is on budget.

### **Fees and Charges Review**

As part of Council's FY2025/26 IP&R documentation, Council's waste fees will also be reviewed. Considering anticipated changes and the upcoming strategy development, a simplification of charges is being proposed.

### **Financial Implications**

The table below contains cost estimates for upcoming required projects – these have either been included into QBR2 (February 2025 Council Meeting) or into the FY2025/26 draft budget.

Description	Cost estimate
-------------	---------------



Drone survey, concept design and detailed design (including final landform and review of site water balance, surface water storage, sediment and leachate pond requirements)	\$60,000
Preparation of Waste Strategy	\$85,000
Construction of new landfill cell	\$650,000

(Note: costs are indicative only. Appropriate reporting to Council will accompany the Operational Plan requirements. The project is funded in current internal and external reserves.)

**Relevance to Oberon Community Strategic Plan**

**Theme 3: Caring for the Environment**

*Action 3.3 Ensure sustainable waste management services and programs, with a commitment to resource recovery*

3.3.4 Initiatives for community use of solid waste landfill

**Risk Category**

Environment

**Risk Severity Ranking**

Minor - 32%



# **Review of operations**

for the

# **Oberon Waste Facility**

**August 2021**

**Version 1.0**

Ref: J2021-005  
JS Regulatory Services  
Email: [mail@jsrs.com.au](mailto:mail@jsrs.com.au)  
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## Version Control

Date	Version	Notes
July 2021	Draft 1	Draft for review and comment
July 2021	Draft 2	Inclusion of conceptual implementation plan
August 2021	1.0	Final version for issue

## Executive Summary

A detailed review and analysis of operations at the Oberon Waste Facility has been undertaken by JS Regulatory Services on behalf of Oberon Council. The criteria used for this review and analysis are the objectives and requirements as detailed in the NSW Environment Protection Authority document *Environmental Guidelines: Solid Waste Landfills (2016)*.

The NSW Environment Protection Authority will use this document to assess any licence variation applications made by Oberon Council for the Oberon Waste Facility, as well as to assess any issues that requires regulatory attention.

The Oberon Waste Facility is ideally located to both service community and to manage many of the environmental issues that arise from landfills, particularly in relation to the protection of local surface waters. Given the estimated capacity of the site to receive wastes, it is a facility that can continue to serve the Oberon Local Government Area for decades to come in an environmentally satisfactory manner.

During this review and analysis of operations at the Oberon Waste Facility, some significant deficiencies compared to the criteria used were identified. This was particularly the case for aspects like the covering of wastes, litter control, measurement and screening of incoming wastes, supervision at point of disposal, and the management of asbestos waste.

However, this review also identified several opportunities for Council to improve the equity of waste charging, avoid waste levy liabilities from unscrupulous operators, improve the efficiency of landfilling operations, improve the quality of data to assist future planning, reduce groundwater monitoring costs and reducing regulatory risk.

This review has made a total of 42 recommendations in relation to the operations at the Oberon Waste Facility. On the surface, this may appear to be a considerable gap between current operations and the existing requirements. However, substantial impact can be made by addressing 5 recommendations, which will also have flow-on effects to many of the other recommendations made in this report. These are:

1. A single lane weighbridge should be installed at the site that will assist in:
  - a. accurately measuring incoming quantities of waste,
  - b. determining if the receival limit of 15,000 tonnes per year is being complied with, and
  - c. provide fairer user pays charges for the use of the landfill.
2. The three types of catchments on the site (diversion, dirty and leachate) need to be clearly separated and runoff collected from each managed appropriately.
3. The site requires an extensive clean-up to consolidates piles waste, concrete, vegetative waste, mattresses, tyres, etc and reinstate several open pits across the site.
4. The area of uncovered waste needs to be reduced significantly, ideally to an area no larger than 30 metres x 20 metres.
5. Landfilled waste needs to be covered more frequently.

To assist with the implementation of the recommendations of this report, a conceptual implementation plan for various actions has been developed. This plan has been split into short term (within 1 year), medium term (between 1-5 years) and long term (5 years plus) based on environmental, regulatory, operational, strategic, financial, and reputational risks, or a combination of any of these factors.



## 1. Introduction

Thank you for commissioning JS Regulatory Services (JSRS) to assist in making regulation work best for you.

As detailed in our proposal of 19 February 2021, Council has made a resolution that a timeline be provided for operational improvements at the Oberon Waste Facility. Council has taken this opportunity to undertake a full operational review of the Oberon Waste facility to determine where improvements are required to be made to meet currently regulatory requirements. This project also includes:

- The prioritisation of any recommended actions, based on operational requirements and level of risk, and
- Developing concept options for potential future infrastructure works and operational modifications.

A complete review of the existing site operations and infrastructure has been undertaken by JSRS. Current proven exemplary practices in the waste industry and existing environmental and waste regulatory framework that applies to the site, including:

- The current version of the Environment Protection Licence (EPL No. 20289)<sup>1</sup>,
- The *Protection of the Environment Operations Act 1997*,
- The *Environmental Planning and Assessment Act 1979*,
- The *Protection of the Environment Operations (General) Regulation 2009*,
- The *Protection of the Environment Operations (Waste) Regulation 2014*,
- Various Resource Recovery Orders (RRO) and Exemptions (RRE), and
- *Environmental Guidelines: Solid Waste Landfills*, Second Edition (2016)
- The *Waste Classification Guidelines – Part 1: Classifying waste* (including the October 2016 Addendum).

This assessment does not specifically consider potential WHS risks for the site as it was outside the scope of this project.

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<sup>1</sup> Version 11 June 2019.

## 2. Background

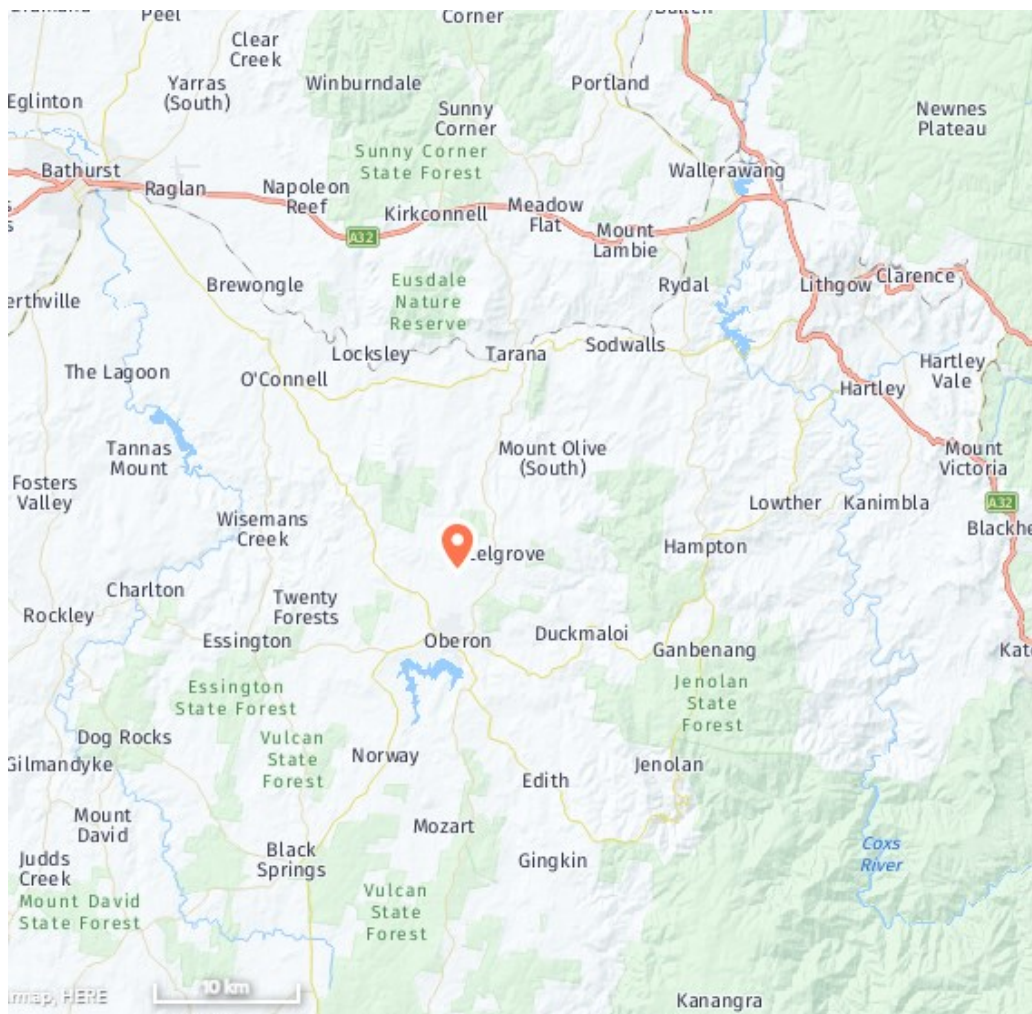
### 2.1 The site

The Oberon Waste Facility (“the site”) is the primary waste management facility for the Oberon Local Government Area and services a community of approximately 5,000 people. The site receives wastes from Oberon itself, along with waste via transfer stations located at Black Springs and Burruga. The site is distinctive for a small Council operated facility in that a large proportion of waste received originate from a single industrial source - the Oberon Timber Complex.

The site is located at 362, 364, and 372 Lowes Mount Road, Oberon, being Lot 1 in DP 350774, Lot 1 in DP 598525, Lot 1 in DP 844887, and Lot 36 in DP 263034. The site occupies a total area of approximately 29 hectares, with landfilling and waste management practices having occurred on approximately 11 hectares. The entrance to the site is located approximately 3.7 kilometres north of the centre of Oberon.

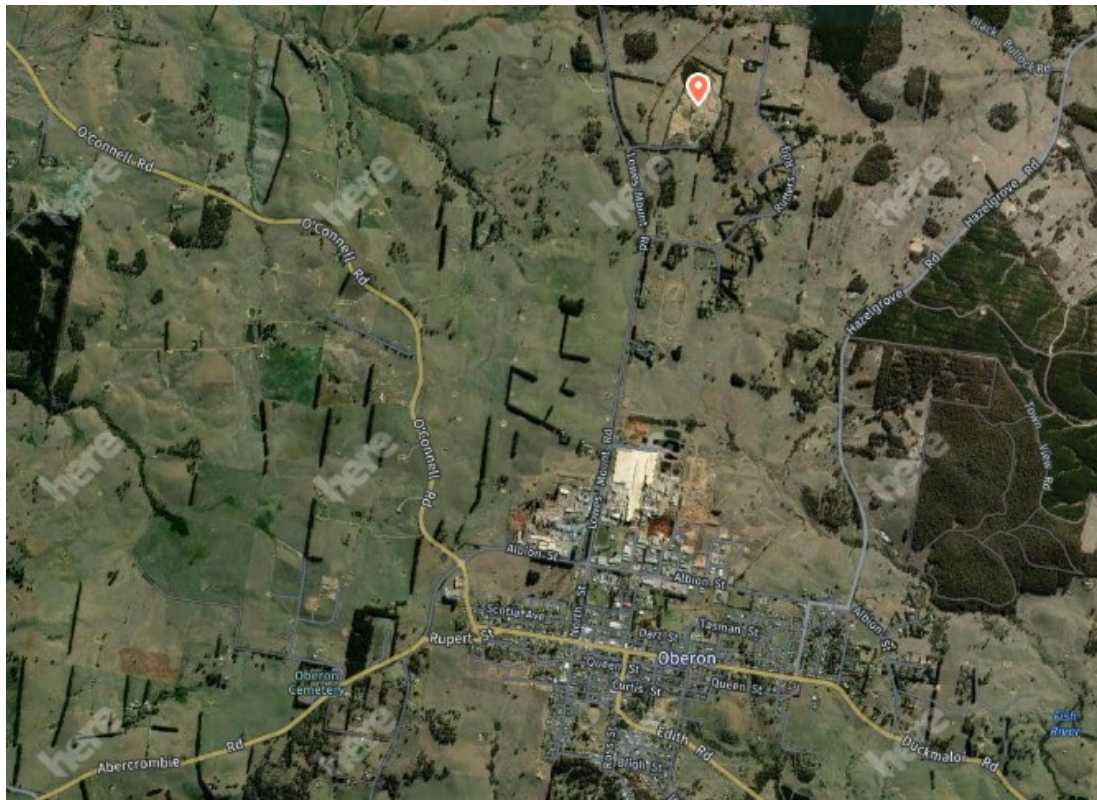
It is believed that waste disposal occurred on the site as far back as the 1940s, but there is no documentation to confirm this. It is estimated that with the proposed extension, the site will have sufficient capacity to receive wastes until approximately 2076.

**Figure 1 – Regional location of the Oberon Waste Facility**



Source: Nearnmap

**Figure 2 – Neighbourhood location of the Oberon Waste Facility**



Source: Nearmap

**Figure 3 – The Oberon Waste Facility**

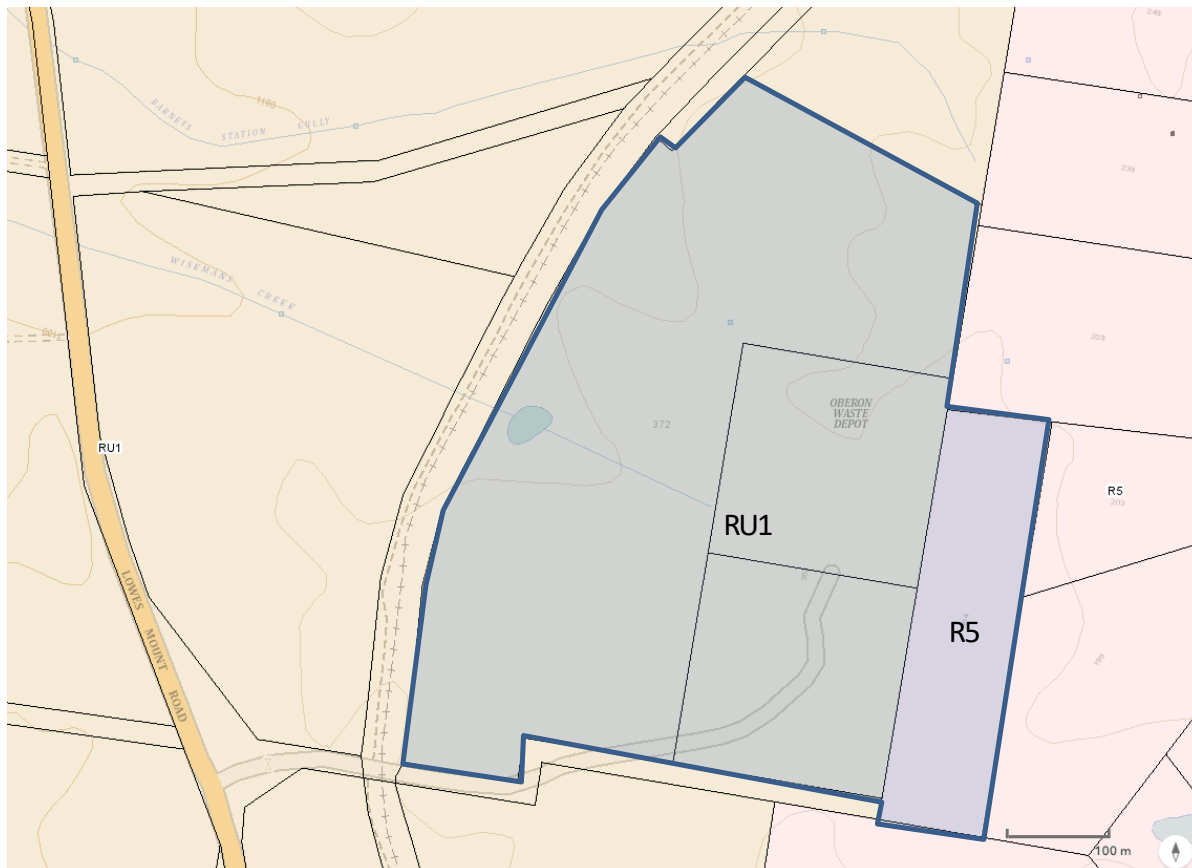


Source: Nearmap

The site has two zonings under the Oberon Local Environmental Plan 2013:

- RU1 – Primary Production: Lot 1 DP844887, Lot 1 DP 598525, and Lot 1 DP 350774.
- R5 – Large Lot Residential: Lot 36 DP 263034

**Figure 4 – Zoning of the Oberon Waste Facility**



Source: ePlanning Spatial Viewer

## 2.2 The surrounding environment

The site is surrounded by a mix of land uses, including grazing, cropping, small lot agriculture / lifestyle and forestry. The Oberon to Tarana heritage rail line passes the site directly to the west and the Oberon Timber Complex is located 2.5km to the south. There are at least 9 residential premises within 500 metres of the site to the south and east in the areas zoned for large lot residential (R5).

There are no designated environmentally sensitive areas, national parks, drinking water catchments, or areas of groundwater vulnerability within 5 kilometres of the site.

The site is located in a cool temperate climate, with warm summers and cool to cold winters and consistent year round rainfall, averaging 835.7mm.

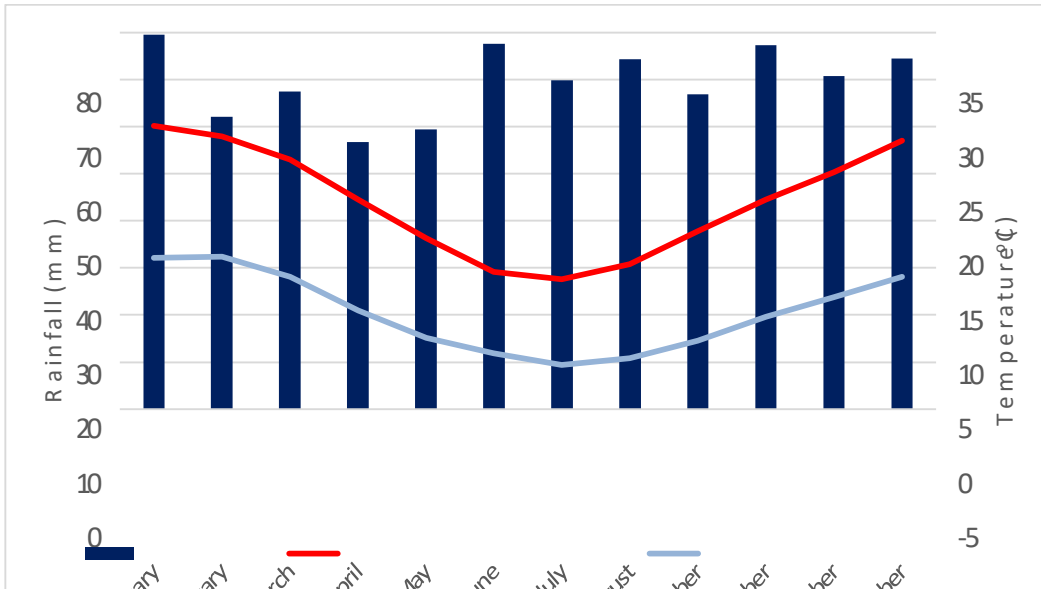
Geological mapping indicates that the site is predominately sited on Campbells Group sandstone, that can also incorporate siltstones, mudstones, conglomerate; rhyolite, dacite, volcanoclastic rock and limestone. This mapping also indicates the presence of a dolerite intrusion on south eastern portion of the site.

There are 15 groundwater bores located within 1 kilometres of the centre of the site: 6 for the purpose of monitoring, 4 for the purpose of water supply, 1 for stock and domestic and 3 have unknown uses. The

groundwater monitoring data for the site and information from surrounding bores indicate there is no stable aquifer under the site to a depth of approximately 30 metres.

The landfill is located on the boundary between three catchments. The majority of the site drains to the west into Wisemans Creek. The south-east corner of the site drains into Kings Stockyard Creek, and the north-east corner of the site drains into Hazelgrove Creek. All these catchments ultimately drain into the Macquarie River.

**Figure 5 – Long-term climate averages – Oberon (Albion Street)**



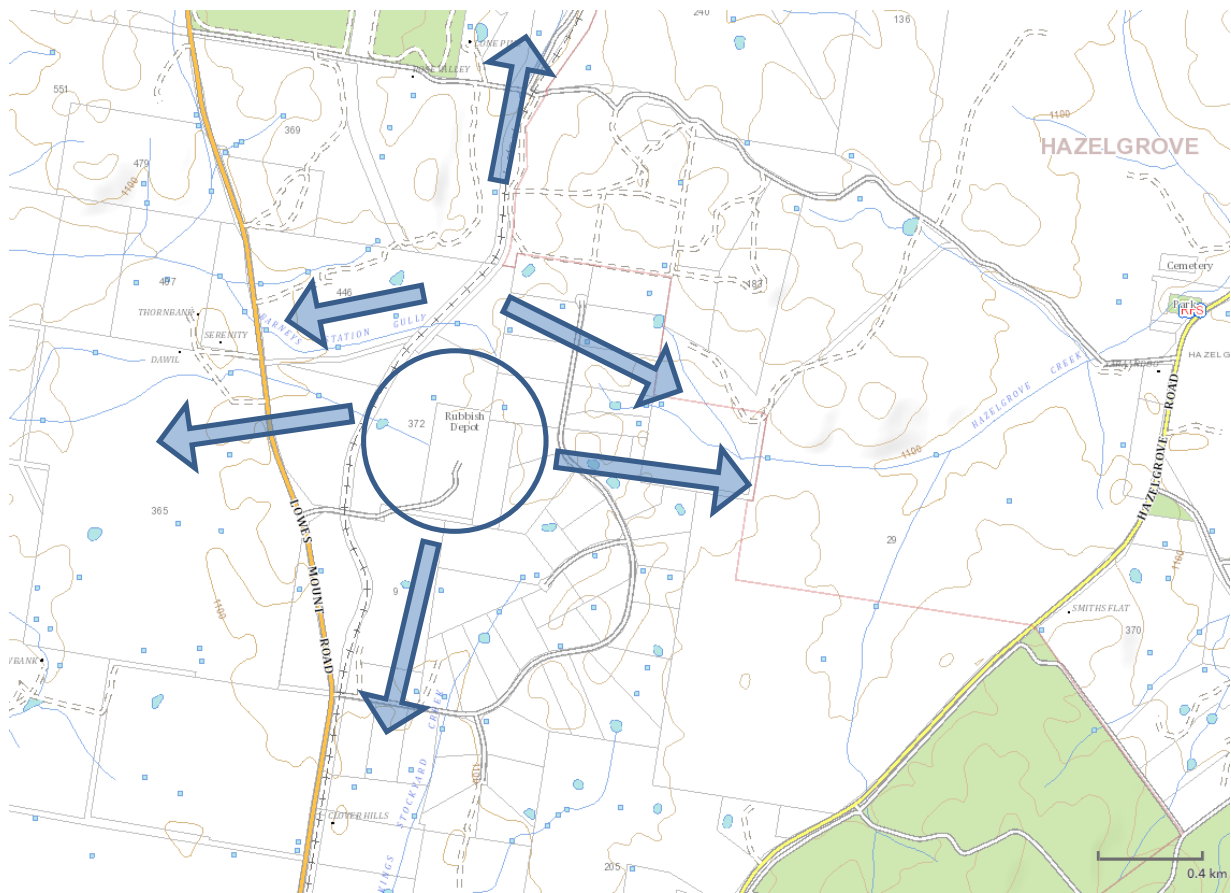
Source: Bureau of Meteorology

**Figure 6 – Geology of the local area**



Source: Seamless Geology of NSW

**Figure 7 – Topography and hydrology of local area**



Source: ePlanning Spatial Viewer

## 3. Relevant environmental regulatory requirements

### 3.1 Development Approval

Given the long history of the site, it appears that operations had existing use rights. That is, the site was being used for a lawful purpose before an environmental planning instrument was in place to regulate the use of the land.

A development approval was granted by Oberon Council for the expansion of the landfill at the site on 19 February 2013 (Ref:10.2012.35.1). This approval incorporated the General Terms of Approval issued by the NSW Environment Protection Authority for this development.

### 3.2 Protection of the Environment Operations Act 1997

The site is required to be licensed under Section 48 of the *Protection of the Environment Operations Act 1997*. The landfilling of waste is listed as a “scheduled activity” in Schedule 1 of the *Protection of the Environment Operations Act 1997* under waste disposal (application to land).

Local Government facility exemption (Clause 39(2)(f) of Schedule 1) no longer applies to the site as it receives more than 5,000 tonnes of waste per year.

The *Protection of the Environment Operations Act 1997* also includes a requirement (Part 5.7A) for licence holders to prepare and implement a Pollution Incident Response Management Plan. This part details what is required to be included in the plan where it is to be kept, when it is to be tested, and when it is to be implemented.

### 3.3 Environment Protection Licence 20289

A licence from the NSW Environment Protection Authority (No. 20289) was first granted for the site in August 2013. This licence contains a range of administrative, limit, operational, monitoring, reporting and general conditions regulating the storage and disposal of waste on the site.

Prior to that time, the site was still regulated by the NSW Environment Protection Authority but was believed to be operating under 5,000 tonnes per year. Since the site was also in operation prior to 28 April 2008, the Local Government facility exemption from licencing applied.

#### 3.3.1 Extent of licenced premises

The extent of the site covered by the licence is shown in Figure 8. The extent of the licence premises is important as any activity that occurs within this area is subject to the conditions of the licence, regardless of whether they are associated with landfilling or waste management in general (for example, storage of storage engineering works materials, dog pound, etc.)

**Figure 8 – Extent of the premises described by the licence**



Source: Nearamap

### 3.3.2 Wastes permitted to be accepted

One of the particularly important conditions relates to the wastes that can be received at the site and the limits on the quantity of wastes to be received. For the site, these limits are:

- At the Community Recycling Centre (CRC) for storage only – liquid wastes, restricted solid wastes, and hazardous wastes. The quantity is limited to the safe storage capacity of the CRC.
- For disposal in the landfill – waste tyres, asbestos wastes, and general solid wastes to a maximum of 15,000 tonnes per year

### 3.3.3 Operating conditions

The licence for the site contains the operating conditions that are standard across all licences issued by the EPA. There are however some specific operating conditions in addition to these that are of specific note:

- There are specific conditions related to the minimisation of dust.
- There are specific conditions to minimise the risk of fire and extinguish fires that occur at the premises as soon as possible.
- There is a specific condition related to the screening of incoming wastes.



- There are several specific conditions related to protecting the amenity of the area (later control, tracking of mud, and controlling pests, vermin, and weeds.
- There is a mandatory waste compaction requirement of 650 kilograms per cubic metre.

### **3.3.4 Monitoring conditions**

The licence for the site also contains monitoring conditions but a standard across all licences issued by the EPA. This includes the monitoring of the extensive groundwater monitoring network for the site, a single surface water monitoring point, and the monitoring of landfill gas in buildings within 250 metres of waste filled areas.

Of note the frequency for the monitoring of groundwater is dependent upon liquid being present to sample.

## **3.4 Protection of the Environment Operations (Waste) Regulation 2014**

The Protection of the Environment Operations Waste Regulation 2014 (the Waste Regulation) is the primary regulation that provides more detail around the requirements of waste transporters and waste facilities.

There are several aspects of the Waste Regulation that are applicable to operations at the site as detailed below.

### **3.4.1 Waste contributions**

Waste contributions more commonly known as the waste levy is required to be collected by facilities that received waste for disposal that has been generated inside the regulated areas of NSW. which comprises the Sydney metropolitan area, the Illawarra and Hunter regions, the central and north coast local government areas to the Queensland border as well as the Blue Mountains, Wingecarribee, and Wollondilly local government areas.

While the intent of the site is to service the community inside the Oberon local government area, given its proximity to the regulated area, there is a potential for waste generated within the regulated area to be disposed of at the site. Even if waste received from the regulated area occurs without the knowledge of Council any liability to pay the levy is still created. In situations where the quantity of waste involved is uncertain the EPA has the power to estimate this quantity for the purposes of calculating the levy payable.

### **3.4.2 Record keeping**

A range of record keeping requirements are made by Part 3 of the Waste Regulation. These requirements apply to a facility that holds a licence, regardless of whether they received trackable waste and/or wastes subject to the waste levy. Specifically, these requirements relate to:

- The amounts, types, date, and time of wastes received at the site,
- The amounts, types, date, and time of wastes or recovered resources transported from the site, and

- The registration number of any vehicle that enters the site along with the purpose, weight, date, and time.

These records are required to be kept for a minimum of 6 years and made available to an authorised officer on request.

### **3.4.3 Measurement of wastes**

Waste facilities that are required to pay the waste levy must have a weighbridge installed at their facility. Four facilities that are not required to pay the waste levy, a method specified in the waste levy guidelines or by the EPA must be used to measure waste coming into or leaving a facility.

Currently the only acceptable method, other than a weighbridge, is the use of vehicle conversion factors. Experience has shown that these factors can often underestimate the actual quantity of waste being carried by vehicles.

### **3.4.4 Waste tracking**

The transport of any waste that are deemed “trackable” requires tracking from its point of origin to its destination. In this tracking chain the receiving facility has obligations to record when the waste arrived and complete details in the online waste tracking system operated by the EPA.

As the site is not permitted to receive trackable wastes, it is unlikely that these provisions will apply to Council, unless in emergency situations.

### **3.4.5 Asbestos wastes**

The Waste Regulation also contains specific requirements around the management of asbestos waste. This includes:

- The requirement to report on asbestos waste received had a waste facility, and
- Specific management of asbestos waste when being disposed.

As the site is licenced to receive asbestos waste, these provisions are applicable.

### **3.4.6 Reporting requirements**

For facilities that are not required to pay the waste levy, the reporting requirements as specified in Clause 109 of the waste regulation. this includes:

- a requirement to provide an annual report within 60 days of the end of the financial year, and
- a requirement to provide a report upon written notice by the EPA.

### **3.4.7 Prohibition to exhume wastes**

A recent amendment to the Waste Regulation created an offence to exhume waste from a landfill site. The only exemption from this provision his works that have been authorised in writing by the EPA, and the only

defences against an offence is waste exhumation required in emergency situations or in accordance with the written direction from the EPA.

### 3.5 Resource Recovery Order(s) / Exemption(s)

Resource recovery orders and resource recovery exemptions allow some wastes to be beneficially and safely re-used outside of the usual waste regulatory framework. Orders and exemptions are granted when the re-use is genuine (rather than a means of waste disposal), is beneficial or fit-for-purpose, and will not cause harm to human health or the environment.

The use of orders and exemptions will not be directly applicable for wastes received at the site, as this is regulated by the licence and specifically the wastes that the licence permits the site to accept. However, the orders and exemptions may be applicable for wastes, processed on the site to produce resources for use by Council or other third parties. For example, mulches, composts, aggregates, fines, and tyres.

### 3.6 Environmental Guidelines: Solid Waste Landfills

In April 2016, the Environment Protection Authority (EPA) released a revised version of the document *Environmental Guidelines: Solid Waste Landfills* (the Guidelines). This second edition provided an updated set of minimum standards for design, construction, and operation of a modern landfill facility.

The Guidelines allow for alternative approaches to the minimum standards to be used if it can be demonstrated that the alternative can meet the required outcomes. This requires justification and evidence, which may include undertaking work like a site-specific risk assessment, evidence of successful use of the approach elsewhere, modelling and, trials.

The EPA uses these guidelines to assess landfill licence applications and set conditions for new or varied landfill licences under the *Protection of the Environment Operations Act 1997*, and to assess issues that arise during the operational and post-closure periods of landfills.

Because of the central role the Guidelines play in the assessment of landfill proposals and operations, the outcomes and standards detailed in the Guidelines will be used as the basis that the existing operations at the site will be compared against. This is reflected in the structure of the next section of this report.

## 4. Analysis of operations against requirements

Numerous photographs around the site were taken as part of the analysis of existing operations to current requirements. Reference to the locations all the same as those identified in the satellite imagery in Appendix A of this report.

### 4.1 General

In gathering the applicable information for the site, a potential issue regarding the current zoning was identified. As discussed in the previous section, the site is split across two zonings: R5 (large lot residential) and RU1 (primary production). The local environment plan (LEP) for Oberon Council was published in December 2013 - approximately 10 months after development approval was granted for the expansion of the landfill at the site.

Under the 2013 LEP:

- Waste and resource management facilities are specifically prohibited in areas zoned R5 (large lot residential)
- Waste and resource management facilities are not permitted with or without consent in areas zoned RU1 (large lot residential)

This could become a problematic issue if further development approvals are required for works at the site.

**Recommendation:** Council examine the existing LEP and consider any changes necessary to zoning of the site to permit any future ancillary works and facilities that may require development approval.

One of the constraints in preparing this report was the availability of reliable and accurate data for the quantities of wastes received at the site. The quantities received are either based on vehicle factors (which typically underestimate the actual quantity of waste being carried by vehicles), or based on information provided by people delivering the wastes (who have an interest in paying the least fees possible).

Reliable data about incoming waste quantities at the site is critical for several reasons:

- It establishes a level playing field for all customers on a true user pays system.
- It can directly determine if Council is complying with its quantity limit for wastes received at the site.
- Incoming waste from other Council facilities and activities can be accurately measured and opportunities for waste avoidance and minimisation identified.
- When combined with site surveys, the efficiency of the use of available landfill space can be monitored.
- It provides data that can be used for forward planning, fill planning, budget development and making decisions about the provision of services and facilities.

The logical solution to rectify this issue is to construct a weighbridge at the site and collect at least 12 months of incoming waste data. Given the anticipated life of the site, this capital expense can be justified through the benefits outlined above.

**Recommendation:** A single lane weighbridge should be installed at the site that will assist in:

- (a) accurately measuring incoming quantities of waste,
- (b) determining if the receival limit of 15,000 tonnes per year is being complied with, and
- (c) provide fairer user pays charges for the use of the landfill.

## 4.2 Leachate barrier system

### Required outcomes:

- The landfill must have a leachate barrier system to contain leachate and prevent the contamination of surface water and groundwater over the life of the landfill.
- Pollutants with the potential to degrade the quality of groundwater must not migrate through the strata to any point beyond the boundary of the premises or beyond 150 metres from the landfill footprint, whichever is smaller. If this occurs, additional engineered controls may be required to prevent further pollutant migration. It may also be necessary to remediate the existing pollution.

### Observations:

The existing landfill footprint almost certainly has no formal leachate barrier system given that operations reportedly commenced in the 1940s. The EPA has recognised that it is impractical to retrofit a leachate barrier system underneath existing landfilled waste. As such, no requirements relating to leachate barrier systems are enforced for operations that occur on existing landfill footprints.

However, the proposed new cell at the site will be required to have some form of leachate barrier installed. Upon examining the Guidelines, it is unlikely that this need will be negated as the site would not fit into what is described as “lower risk circumstances”, due to average annual rainfall and proximity to dwellings.

A review of a previously completed report by Chris Jewell and Associates (2012) that accompanied the installation of the groundwater monitoring network at the site may be able to inform opportunities to modify the design of a leachate barrier.

**Recommendation:** A leachate barrier and collection system of a design as specified in the Environmental Guidelines Solid Waste Landfills (2016), or justification of a suitable alternative, will be required for the new cell at the site.

## 4.3 Leachate storage and disposal

### Required outcomes:

- Collected leachate must be stored in appropriately sized dams or tanks and disposed of so as not to cause environmental harm.
- There must be sufficient leachate disposal capacity to prevent the build-up of leachate and an increase in the risks of water pollution and offensive odours.

- Untreated leachate must not be disposed of to off-site water or land, used for dust suppression, or used to supply the water needs of any process conducted at the landfill, such as composting.

**Observations:**

The site does not currently have a leachate collection system. This is primarily because the existing landfill footprint does not have a leachate barrier system. However, leachate is defined as water that encounters waste. This means that leachate is not necessarily confined to the vertical movement of water through waste, and can include surface water runoff from uncovered waste filled areas.

It is likely that quantities of leachate are currently either pooling on the surface, being contained in stormwater holding ponds and/or being discharged from site. For example:

- Runoff from stored wastes near Location 26 are pooling on the surface (Photograph 1).
- Runoff from landfill wastes photographed near location 6 would follow existing natural drainage lines to the south west, eventually connecting with Kings Stockyard Creek (Photograph 2).

The development of management strategies and infrastructure for surface generated leachate requires two key pieces of information:

1. a progressive filling plan for the site (address in the section Covering of Wastes), and
2. a water balance for the site.

**Recommendation:** A water balance is required to estimate potential leachate volumes generated at the site now and into the future.

**Photograph 1 – Pooled leachate from waste runoff (Location 9)**



## Photograph 2 – Direct runoff pathway from landfilled waste (Location 6)



Ultimately a system to collect, store, and dispose of leachate will be required at the site so that Council can meet its obligations under the licence and the Protection of the Environment Operations Act 1997. The design of this system needs to consider managing leachate from existing sources as well as potentially integrating with the leachate barrier system for the new cell at the site.

**Recommendation:** A system for the collection, storage, and the disposal of leachate will be required at the site, for both the existing, and future, waste filled areas.

### 4.4 Stormwater management

#### Required outcomes:

- Controls must be implemented to minimise erosion and reduce the sediment load (suspended solids) of stormwater discharged from the site.

#### Observations:

The site is ideally located to maximise the amount of stormwater that can be diverted around the site. It appears that efforts have been made previously to establish stormwater diversion drains around the site and that these drains well vegetate. However, these efforts have been compromised by filling patterns, large exposed areas of soil, and a failure to properly cover/cap completed areas of the landfill.

**Photograph 3 – Stormwater diversion drain (Location 34)**



**Photograph 4 – Stormwater diversion drain (Location 3)**





### Photograph 5 – Edge of landfill near stormwater diversion drain (Location 50)



The management of diverted stormwater sediment laden stormwater and leachate requires the clear identification of areas where each type of runoff originates from. These three different types of catchments on the site may change from time to time as landfilling operations progress. Regardless they need to be clearly separated from each other to ensure that the amount of sediment laden runoff and leachate requiring management is minimised and stormwater diverted around the site maximised.

**Recommendation:** The three types of catchments on the site (diversion, dirty and leachate) need to be clearly separated and runoff collected from each managed appropriately.

The recommended water balance can also inform the sizing of suitable sediment control basins that are required to catch and treat sediment laden water from unstabilised areas of the site. The principle and design criteria for the erosion controls and sediment control basins are the same as used in other Council civil engineering works that originate from the “Blue Book” (Managing Urban Stormwater: Soils and Construction – 2004).

Existing stormwater ponds, like the one near location 27, could potentially be utilised as sediment control basins depending upon available volume and quantity of sediment laden stormwater required to be treated.

**Photograph 6 – Existing collection pond (Location 27)**



**Recommendation:** Suitable erosion controls are required for exposed areas of the site, including appropriately located and sized sediment control basins.

Another area of stormwater management that is often overlooked is mud and dust that are tracked onto sealed roadways that are then washed off during the next rainfall event. This can be resolved by vehicles accessing the unsealed roads on the site exiting via a shaker grid at the point where site roads transition from unsealed to sealed.

**Recommendation:** Access to and from the unsealed roads on the site requires the installation of a shaker ramp (or similar) to minimise the tracking of dust and mud.

**Photograph 7 – Fine soils / dust tracked onto sealed access road (Location 64)**



**Recommendation:** The storage of potentially hazardous and contaminating wastes (like car batteries) needs to be improved.

### Photograph 8 – Large battery storage near site shed (Location 14)



## 4.5 Water quality monitoring

### Required Outcomes:

- characterise the quality and quantity of wastewater (leachate and stormwater) generated at the site
- detect any pollution of off-site surface water and groundwater
- ensure that appropriate notification, investigation and remedial procedures are followed when monitoring indicates that pollution may have occurred
- ensure that appropriate sampling and analysis methods are used in accordance with Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (NSW DEC, 2004a) and other recognised guidelines for matters not covered by the Approved Methods.

### Observations:

The monitoring of leachate is important to develop the overall picture of the performance of a landfill. Leachate quality provides an indication as to the stage of decomposition of wastes, the potential time required to reach stabilisation, and a reference point to assess any anomalies with surface water and groundwater monitoring.

Once a leachate storage system is constructed, the leachate collected will require monitoring to provide this important information.

**Recommendation:** Once the leachate storage system is established on site it will require routine quality monitoring.

Groundwater monitoring data for the site extends back to at least September 2016. A cursory examination of this data has identified that:

- Several groundwater monitoring wells are often dry, or fail to recharge sufficiently after purging, during monitoring events.
- The absence of groundwater in the monitoring wells results in samples being unable to be collected.
- Many of the groundwater monitoring parameters have consistently been recorded as below detection limits.
- The list of groundwater monitoring parameters has remained unchanged since the licence was originally issued.

It may be possible to rationalise the number of groundwater monitoring boards sampled as well as reduce the number of groundwater monitoring parameters analysed. This may result in potential cost savings to Council without compromising the goals of the groundwater monitoring. The groundwater monitoring program should be reviewed in detail prior to making any decisions in this regard.

**Recommendation:** The existing groundwater monitoring arrangements should be reviewed for potential rationalisation.

In contrast, the surface water monitoring program currently is unable to identify any potential impacts by surface water runoff from the site. There is currently only a single point on the licence where monitoring is required to be undertaken. This point, once surface water controls are properly established, will only receive water that is diverted around the site.

As mentioned in the earlier section the site sits on a watershed between three catchments. downstream monitoring in each of these catchments should be undertaken to determine if any adverse impacts are resulting from operations on the site. A robust surface water monitoring network and program can also potentially defend council from claims that the site is polluting waters.

These future surface water monitoring sites can be identified and established once the diversion, settlement laden, and leachate catchments are properly mapped.

**Recommendation:** The existing surface water monitoring arrangements should be expanded to adequately identify any potential impacts.

Even with a map, identifying the location of the groundwater monitoring points was extremely difficult on the ground. Many of the areas were overgrown, completely concealing the groundwater water monitoring encasements.

Signage identifying the location and location number would be beneficial, not only to the contractor is currently undertaking the environmental monitoring, but for any future potential contractors that may be hired by Council.

Further, it is a specific condition of the licence that all monitoring points be signposted.

### Photograph 9 – Groundwater monitoring wells (Location 65)



**Recommendation:** The monitoring points used need to be clearly marked by signs.

## 4.6 Landfill gas management and monitoring

### Required outcomes:

- minimise emissions of untreated landfill gas to air and through sub-surface strata and services
- minimise greenhouse gas emissions (methane, the major bulk component of landfill gas, is 20 to 25 times more potent than carbon dioxide)
- minimise emissions of offensive odour
- minimise the explosive risk to humans from gas build-up in confined spaces
- ensure that, wherever feasible, landfill gas is sustainably utilised for energy recovery

- minimise emissions of air pollutants from the combustion of landfill gas in flaring or electricity-generating equipment.

**Observations:**

The decomposition of organic materials in an anaerobic landfill environment will always create methane and carbon dioxide along with other trace gases. Methane in particular poses both a safety risk (potential for fires and explosion) and an environmental risk (being a potent greenhouse gas). The trace gases in landfill gas are typically the cause of complaints about offensive odours.

The amount and rate of landfill gas formation is primarily dependent upon two main factors:

1. the quantity of organic matter contained in landfilled waste, and
2. the availability of water which is required for the anaerobic conversion process.

In relative terms the quantity of landfill gas likely to be generated from the site is small due to the amount of waste landfill at the site every year. During the site visit no evidence was identified of large scale landfill gas breakouts or migrations.

However, the existing landfill gas monitoring as required by the licence will provide an indication if landfill gas generation and migration is an issue on the site as well as satisfying work health and safety requirements.

**Recommendation:** Continue the landfill gas monitoring as required by the Environment Protection Licence.

As the site has reportedly been in operation since the 1940s, there will be a baseline level of landfill gas generation at the site. It is very unlikely that energy recovery, or even flaring, will be a feasible option for the quantity of gas generated at the site. It may also be possible to manage any landfill gas generated on the site through passive means (i.e., through natural and/or assisted oxidation and discharge). However, without knowing the approximate amounts of landfill gas generated on the site, currently and into the future, decisions cannot be made about how to best manage landfill gas.

**Recommendation:** Landfill gas generation modelling is required to determine potential gas generation volumes and potential further monitoring and mitigation measures.

## 4.7 Amenity issues: odour, dust, noise, litter, and fire control

**Required outcomes:**

- offensive odour impacts must not occur at off-site locations
- emission of nuisance dust and other particulate matter beyond the landfill boundaries must be minimised
- excessive noise must not be generated by activities at the site
- local amenity must not be degraded by litter from the landfill or by mud or litter attached to vehicles leaving the landfill

- the risk of fire at the site must be minimised and the site must be adequately prepared in the event of fire.

**Observations:**

**4.7.1 General site condition**

An immediate observation made during the site visit was that the site was generally very untidy, with various wastes spread across the entire site, including concrete, mattress, tyres, garden waste, large logs, and scrap metal. Numerous open pits were also observed on the site. While at least one was being used for the disposal of asbestos waste, it was unclear what the purpose of the other pits were.

It is apparent that the state of the site may be resulting in uncertainty for customers as to where to deposit their waste. This may account for the numerous discrete piles of waste observed across the site. Undertaking an extensive clean-up of the site and consolidating waste stockpiles will assist in this regard. Reinstating the open pits across the site will simultaneously eliminate a work health and safety issue and reduce leachate infiltration.

**Photograph 10 – Concrete and logs (Location 40)**





**Photograph 11 – Open pit (Location 35)**



**Photograph 12 – Mattresses, tyres, and wood wastes (Location 26)**



**Recommendation:** The site requires an extensive clean-up to consolidate piles of waste, concrete, vegetative waste, mattresses, tyres, etc and reinstate several open pits across the site.

#### 4.7.2 Odours

There appears to be no regular complaints being made about odours being admitted from the site. During the site visit, no strong odours or particularly odorous wastes were identified. The proximity of residential dwellings to the east and south does increase the risk associated with potential odours. However, with improved practices at the site (as recommended in this report), this risk will be reduced.

**Recommendation:** Continue handling any odour complaints on a case-by-case basis.

#### 4.7.3 Noise

As with odour, there appears to be no regular complaints being made by neighbouring premises regarding noise from the site. The regular operations on site are confined to limited hours during the daytime, which are unlikely to result in noise issues. Care will need to be taken with irregular site operations (shredding of green waste, crashing of concrete, etc.) to ensure that the source of noise is located appropriately and that the hours of operation do not adversely affect the amenity of neighbouring residents.

**Recommendation:** Continue managing any noise complaints on a case-by-case basis.

#### 4.7.4 Dust

The site has numerous open exposed areas. While the site inspection occurred after a period of rain, there is significant potential for dust generation to occur in these areas when dry and windy.

The access roads within the site are predominantly unsealed. Vehicle movements on these surfaces also have the potential to generate dust especially when these access roads are dry. Vehicle speed on these roads is also an important factor that affects the generation of dust (i.e., lower vehicle speeds equal less dust generation).

No means of active dust suppression were observed on the site. Active dust suppression may be required during especially dry periods or during windy conditions. This could be as simple as tasking the Council water truck to the site on these days, or as sophisticated as a purpose-built dust suppression spray system. There currently appears to be sufficient on-site stored water that could be used for dust suppression purposes. Once the catchments for the site are formalised, water can be extracted from sediment control basins for the purposes of dust control. Leachate, however, must not be used for dust control purposes.

**Photograph 13 – Example of a large exposed area and unsealed access (Location 19)**



**Recommendation:** Enforce on site speed limits to minimise generation of dust.

**Recommendation:** Examine the potential for using sealed or gravel all weather roads for frequently trafficked routes on the site.

**Recommendation:** Examine dust suppression measures for use on exposed surfaces at the site.

#### 4.7.5 Litter

The control of windblown litter is an issue across all landfill sites that receive light materials like plastic films, plastic containers, paper, and cardboard. From observations made during the site inspection, the site is no exception to this.

The main management control for litter is the frequent and adequate covering of waste (see section 4.9), but other measures can be employed to control and capture litter close to the source.

Portable litter fences typically placed on the prevailing downwind side of the active tipping area. this ensures capture of light windblown wastes that might be released at disposal, and during spreading and compaction operations.

As a secondary measure, a routine litter patrol and collection should be undertaken at the site. even with little fences and efficient spreading, compaction, and covering of wastes, some litter will escape the active tipping area, typically ending up caught on vegetation and fences additional at the boundary of the site. The regular collection of this letter will assist in preventing litter leaving the site and becoming a nuisance to neighbouring properties.

**Recommendation:** Examine the use of portable litter control fences to catch litter from the active tipping face.

**Recommendation:** Schedule routine litter collection from the site perimeter fence and access road.

#### Photograph 14 – Wind blown litter (Location 51)



### Photograph 15 – Wind blown litter (Location 30)



#### 4.7.6 Combustible stockpiles

Stockpiles of various combustible materials were present on the site including waste tyres, mattress, processed, and unprocessed green waste. These materials present a combustion hazard on the site, particularly the green waste, which has the potential to spontaneously combust under the right conditions.

Regular processing and removal of these materials is the primary mechanism to reduce any fire risk from these materials. As an additional control measure, stockpiles of combustible materials need to be limited in size and sufficiently separated from each other to prevent fire spread should a fire occur.

The NSW Fire and rescue document *Fire safety in waste facilities* (February 2020) provides excellent guidance for the management of external stockpiles that can be employed on the site.

**Recommendation:** Stockpiles of combustible materials need to be minimised in size and separated from each other to prevent likelihood of catastrophic fire events.

### Photograph 16 – Green waste stockpile (Location 62)



#### 4.7.7 Fire control

Except for the Community Recycling Centre, the firefighting capacity and equipment on the site appears limited. The Landfill Environment Management Plan indicates that the primary fire response for the site is the call for external assistance from the fire brigade.

Having sufficient firefighting equipment and capacity to extinguish small fires on the site can prevent the need to wait for a fire response that may potentially have to deal with a considerably larger fire on their arrival.

This equipment does not necessarily have to be as sophisticated as something as a pressurised ring main for the entire site. However, having the necessary equipment and capacity to extinguish small fires on the site would be a worthwhile investment in managing fire risk.

**Recommendation:** Review the suitability of the on-site fire-fighting equipment and procedures.

#### 4.7.8 Pollution Incident Response Management Plan

As part of this project, a preliminary review of the Pollution Incident Response Management Plan (PIRMP) was undertaken. Developing, maintaining, testing, and implementing the PIRMP is a legislative requirement under the *Protection of the Environment Operations Act 1997* and an important tool in notifying neighbours of the site of pollution incidents that have the potential to adversely impact them.

As it stands currently, the PIRMP does not comply with the requirements as specified in the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (General) Regulation 2009*.

**Recommendation:** The Pollution Incident Response Management Plan for the site needs to be updated to ensure that all legislative requirements are met.

## 4.8 Waste acceptance and site security procedures

### Required outcomes:

- Only authorised wastes must be received at the site.
- Any unauthorised wastes delivered to the site must be appropriately managed and disposed of lawfully.
- Statutory record-keeping and reporting requirements must be complied with.
- The premises must be secure, and unauthorised entry must be prevented.

### Observations:

#### 4.8.1 General

The waste acceptance procedures, security, and record keeping at the site is basic. There are considerable improvements that can be made in this regard.

First, there is no true access control for the site. Vehicles can bypass the site shed via a Council access road which appears to be open at all times, even when the site itself is “closed” during the lunch break. This creates the potential for wastes to be delivered to the site without Council's knowledge that may be in breach of the licence.

The operator at the site relies upon the advice of the driver of the delivery vehicle as to the nature of the waste being delivered. This material is then deposited at the site, unsupervised. There is significant potential for delivery drivers to misrepresent the contents of their load, which will only be discovered a significant period after the load is deposited at the site.

This blind spot has the potential to generate a significant waste levy financial liability for Council should waste from the regulated areas of NSW be misrepresented and delivered to the site. For example, a single truck and dog trailer load of mixed waste from the Sydney metropolitan area (approximately 30 tonnes) would currently generate a financial liability for Council of approximately \$4,400.

Access control and access control procedures also form a critical part of corruption prevention procedures. This was highlighted by the NSW Independent Commission Against Corruption nearly two decades as an outcome of an investigation isolated into allegations of bribery at landfills in St Peters, South Woy Woy, and other landfill facilities in NSW.

The record keeping observed at the site may not comply with the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014*.

When closed overnight, the site does appear sufficiently secure to prevent unauthorised entry.

**Photograph 17 – Entrance facilities (Location 1)**



**Photograph 18 – Council access road (Location 18)**





**Recommendation:** All entries and exits to the facility need to be controlled and recorded.

**Recommendation:** Closer scrutiny of incoming waste is required to:

- (a) Verify if the waste can be received at the site, and
- (b) Determine if the waste originates from a levy fee paying area.

#### 4.8.2 Staffing

Based on the observations made during the site visit and conversations with site staff, the staffing levels at the site do not appear to be sufficient to undertake all the necessary activities required for the competent and compliant operation of the site.

In particular, there appears to be a general inability to screen incoming ways and supervise the disposal of these ways at the same time due to staffing levels, particularly given that these two activities occur a considerable distance from each other. Adequate staffing would also allow for regular waste covering activities and routine site clean-up and maintenance.

If labour costs are a constraint for additional staffing during existing operating hours, consideration may need to be given to restricting the hours of public access to the site. This can enable site staff to undertake activities such as compaction and covering of wastes without having to divert resources to operating the entrance facilities.

**Recommendation:** The site needs to be adequately staffed to undertake all necessary activities including wastes screening at entry AND supervision at disposal.

#### 4.8.3 Small vehicle facility

A facility to receive waste from small vehicles is in operation at the site. this is a relatively basic facility consisting of a drop pit that the dump truck and operation at the site is parked in. When the truck is full it is transported to the tipping face and deposited.

Small vehicle facilities are often provided at landfill sites for two main purposes:

1. work health and safety reasons to ensure that small vehicles are separated from heavy plant like landfill compactors and front end loaders in operation at a landfill site.
2. to provide all weather access for small vehicles to deposit waste.

Given that the site is currently closed to the public while waste spreading and compaction activities are occurring, the work health and safety motivation for a small vehicle facility is not applicable. It then becomes a business decision for Council to decide if this facility should be provided from a customer service perspective.

This decision should be made with the benefit of data in relation to the number of small vehicles that access the site and whether a business case can be made for the continued operation of, or construction of a new, small vehicle facility at the site.

**Photograph 19 – Small vehicle facility (Location 22)**



**Recommendation:** Evaluate incoming vehicle data to determine the necessity and feasibility of establishing a small vehicle waste and recyclables receive area.

#### 4.8.4 Signage

The signage at the entrance of the site clearly identifies the opening hours of the site along with the waste types accepted at the site and their applicable charges. This signage is also replicated at the site shed where on site staff meet customers.

However, it was noted that the posted community recycling centre where inconsistent with the opening hours of the facility generally. Also, one of the community recycling centre signs was damaged at the time of the site inspection.

**Photograph 20 – Entrance signage (Location 16)**



The directional signage within the site is inconsistent and often very rudimentary (see photograph 21). Professionally produced, consistent and clean signage can assist customers of the facility to find their way to the area of the site they need to access.

Signage and access control barriers should also be used to exclude access two parts of the site that council do not want customers accessing.

There is a resource of standard waste and recycling signs offered by the EPA<sup>2</sup> that can be utilised by Council to produce new and consistent signage across the site. The artwork for these resources can be downloaded and provided to Council's in house signwriter or preferred sign making contractor.

There is also a blank template that can be used for waste types not covered by the existing templates (for example, asbestos wastes).

<sup>2</sup> This resource can be accessed at <https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/business-government-recycling/standard-recycling-signs>

**Photograph 21 – Directional signage (Location 53)**



**Photograph 22 – Disposal location signage (Location 54)**



**Recommendation:** Signage and access control directing customers to various locations on the site needs to be improved.

During the site visit, a discussion was had with the employee on site. It was apparent that while enthusiastic about their role and the work they were doing, they had limited knowledge and training in being able to manage wastes not permitted to be received at the site or inappropriately disposed at the site.

**Recommendation:** Site staff training should include procedures to recognise, handle, and isolate hazardous and other waste not permitted to be received at the site.

## 4.9 Covering of waste

### Required outcomes:

- Landfilled waste must be covered regularly during operations with a suitable material to minimise odour, dust, litter, the presence of scavengers and vermin, the risk of fire, rainwater infiltration into the waste (and therefore the amount of leachate generated) and the emission of landfill gas.

### Observations:

#### 4.9.1 General

Based on currently available information, it is difficult to determine where the filling of the site is at in relation to the proposed finish surface for Stage 1, which was produced by Geolyse in 2013. This information is critical not only to determine which areas have already reached final levels based on this plan, but to also generate interim filling plans for the site. Undertaking a survey of the entire site will assist in this regard.

**Recommendation:** A survey needs to be undertaken to compare the existing Stage 1 landfill to the proposed finished surface for Stage 1 so that interim filling plans can be prepared to guide landfill operations.

The insufficiency of the current waste covering regime was clearly apparent during the site visit. It was estimated that over 8,000 square metres of wastes at the time of the inspection, which is extraordinarily large for a relatively small landfill.

The covering of wastes is essential to managing numerous potential environmental issues from a landfill site, including minimising leachate, managing landfill gas, controlling litter, minimising odours, controlling vermin, and minimising the risk of fire.

It was also noted that no stockpile of cover material was available near the tipping area. Having a stockpile of cover material always available allows for quick repairs to areas of damage cover, covering of wastes where inclement weather may prevent the winning and transport of cover material, and as a resource to smother any fire that may start in the landfilled waste.

**Photograph 23 – Uncovered waste (Location 10)**



**Photograph 24 – Uncovered waste (Location 47)**



Other observations made during the site visit indicate that this may be a historical practice. Landfilled areas in the north of the site appeared to have little to no cover material applied on it. Between the extensive weed growth in these areas, exposed waste was clearly evident at the surface.

**Photograph 25 – Historic uncovered wastes (Location 39)**



**Recommendation:** The area of uncovered waste needs to be reduced significantly, ideally to an area no larger than 30 metres x 20 metres.

**Recommendation:** Landfilled waste needs to be covered more frequently.

**Recommendation:** A stockpile of cover material needs to be always available near the active tipping face.

During the site inspection, two items of plant permanent to the site were observed:

- a Bomag landfill compactor, and
- a Volvo dump truck.

These plants were observed in operation during the site inspection, and it appeared that they were being used for purposes they were not intended. For example:

**Photograph 26 – Landfill compactor (Location 46)**



**Photograph 27 – Dump truck (Location 42)**





- The landfill compactor was being used to push up wastes and spread cover material. As the landfill compactor is designed to compact waste, it was pushing cover material into the landfilled waste. This not only results in the increased use of cover material and damage to the existing tipping face, but significantly limits the ability to strip cover material from areas where further landfilling is to occur.
- The dump truck what is being used to level and compact the cover material. Numerous passes of the dump truck where required to sufficiently level out an area. This activity would be highly wearing and potentially damaging to the rubber tyres of the dump truck as well as exacerbating the issue of stripping cover material from areas where further landfilling is to occur.

The pushing up of wastes and spreading of cover material is typically undertaken by a loader with a four in one bucket. This can either be a tracked loader or a rubber tyred loader. The typical sequence of operations when using these three items of plant together are:

1. Waste is pushed up onto the exposed tipping face using the loader.
2. The compactor then spreads and compacts this waste into the exposed tipping face.
3. The dump truck then delivers cover material to the edge of the exposed tipping face.
4. The loader then spreads the cover material over the exposed tipping face.

**Recommendation:** The equipment used on site for landfilling operations needs to be fit for purpose.

#### 4.9.2 Asbestos wastes

The site is licensed to receive asbestos waste for disposal, which is an important service to the local community. The transportation and disposal of asbestos wastes is required to occur in accordance with Part 7 of the *Protection of the Environment Operations (Waste) Regulation 2014*. For the site, this means:

- The use of the WasteLocate system for the tracking of asbestos waste,
- Ensuring that no dust is generated from the unloading and disposal of asbestos waste,
- The initial covering of asbestos waste at time of disposal to a depth of 0.15 metres,
- The covering at the end of each day of asbestos waste to 0.5 metres, and
- Ensuring that bonded (non-friable) asbestos and friable asbestos is at least one metre and three metres below the final surface of the landfill respectively.

The ability to use the WasteLocate system was at the site with the QR code clearly displayed at the site shed. Having the asbestos waste wrapped for transport, as required by the regulation, would assist with the minimisation of dust during unloading and disposal. This however appears to beware compliance with the disposal requirements ends.

Suspected asbestos wastes which was unwrapped, and wrapped waste (presumed to be asbestos waste) were observed in the asbestos disposal area uncovered. It appeared that this waste had been uncovered for a considerable period. This management practise is not in compliance with the requirements of Part 7 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

**Photograph 28 – Site shed with WasteLocate QR code. (Location 13)**



**Photograph 29 – Suspected asbestos waste (unwrapped) (Location 55)**



**Photograph 30 – Wrapped waste partially in asbestos disposal trench (Location 58)**



**Photograph 31 – Wrapped waste in trench near asbestos disposal trench (Location 59)**



**Recommendation:** Asbestos waste needs to be managed in accordance with the Part 7 of the *Protection of the Environment (Waste) Regulation 2014*.

## 4.10 Final capping and revegetation

### Required outcomes:

- reduce rainwater infiltration into the waste and thus minimise the generation of leachate (infiltration from the base of the final cap should be less than 5% of the annual rainfall)
- stabilise the surface of the completed part of the landfill
- reduce suspended sediment and contaminated runoff
- minimise the escape of untreated landfill gas
- minimise odour emissions, dust, litter, the presence of scavengers and vermin, and the risk of fire
- prepare the site for its future use; this includes protecting people, fauna and flora on or near the site from exposure to pollutants still contained in, or escaping from, the landfill.

### Observations:

As it is unclear as to what portions of the Stage 1 landfill on the site have reached final levels, final capping and revegetation would be inappropriate and a potential waste of resource is at this time.

However, there are areas of the landfill site, particularly in the north, that has been completed at an intermediate level for a considerable length of time without adequate cover.

**Recommendation:** Areas of the landfill that have reached intermediate or final levels require intermediate cover.

## 4.11 Closure

### Required outcomes:

- The landfill must continue to be non-polluting and not cause environmental harm after site closure.
- The occupier must prepare a closure plan, setting out a program for making sure that the site does not cause environmental harm after closure. The occupier must implement the approved closure plan.

### Observations:

While the estimated life of the site extends to approximately 2076, the final landform design and potential post closure land use(s) for the entire site is currently unclear. Even a conceptual final landform that estimates a total available capacity (and accordingly, landfill life) can be of great assistance in future planning for the site as well as for establishing business cases for capital an ongoing expenditure associated with the operation of the site.

**Recommendation:** A design for the proposed final landform is required for the entire site that can be used to estimate total available capacity.

No closure plan is currently required for the site. A closure plan is required to be submitted to the EPA no later than 12 months prior to anticipated closure of the site.

**Recommendation:** No closure plan is required until one year prior to closure of the site.

## 4.12 Quality assurance

Required outcomes:

- Quality assurance measures must be implemented to make sure that all critical features of the landfill are constructed according to the approved designs and specifications.
- Before major construction works, the occupier must prepare a Construction Quality Assurance Plan. This must set out the proposed testing, inspection and other verification procedures to be implemented during construction of the landfill works.
- Following construction, the occupier must prepare a Construction Quality Assurance Report on the quality assurance that was implemented to ensure that the works comply with the approved designs and specifications.
- In the case of a new landfill or cell, a satisfactory Construction Quality Assurance Report must be submitted to the EPA before the EPA can issue an approval to dispose of waste in the new landfill or cell.
- In the case of final capping works under a Closure Plan, a satisfactory Construction Quality Assurance Report must be submitted to the EPA before the EPA can approve the surrender of the licence.

### Observations:

No quality assurance plans are currently applicable to the operations of the site.

A construction quality assurance plan will be required for the construction of the leachate barrier and leachate storage associated with the new cell. This can be developed in conjunction with the construction contractor once the design and materials required are known.

**Recommendation:** No quality assurance plans are required until such time construction of a leachate barrier, leachate storage, or final capping is required.

## 5. Consolidated recommendations

The consolidated list of recommendations made in relation to the analysis of the operations at the site against the requirements (the Guidelines) are as follows:

### 5.1 General

1. Council examine the existing LEP and consider any changes necessary to zoning of the site to permit any future ancillary works and facilities that may require development approval.
2. A single lane weighbridge should be installed at the site that will assist in:
  - a. accurately measuring incoming quantities of waste,
  - b. determining if the receival limit of 15,000 tonnes per year is being complied with, and
  - c. provide fairer user pays charges for the use of the landfill.

### 5.2 Leachate barrier system

3. A leachate barrier and collection system of a design as specified in the Environmental Guidelines Solid Waste Landfills (2016), or justification of a suitable alternative, will be required for the new cell at the site.

### 5.3 Leachate storage and disposal

4. A water balance is required to estimate potential leachate volumes generated at the site now and into the future.
5. A system for the collection storage and the disposal of leachate will be required at the site, for both the existing, and future, waste filled areas.

### 5.4 Stormwater management

6. The three types of catchments on the site (diversion, dirty and leachate) need to be clearly separated and runoff collected from each managed appropriately.
7. Suitable erosion controls are required for exposed areas of the site, including appropriately located and sized sediment control basins.
8. Access to and from the unsealed roads on the site requires the installation of a shaker ramp (or similar) to minimise the tracking of dust and mud.
9. The storage of potentially hazardous and contaminating wastes (like car batteries) needs to be improved.

### 5.5 Water quality monitoring

10. Once the leachate storage system is established on site it will require routine quality monitoring.
11. The existing groundwater monitoring arrangements should be reviewed for potential rationalisation.

12. The existing surface water monitoring arrangements should be expanded to adequately identify any potential impacts.
13. The monitoring points used need to be clearly marked by signs.

## **5.6 Landfill gas management and monitoring**

14. Continue the landfill gas monitoring as required by the Environment Protection Licence.
15. Landfill gas generation modelling is required to determine potential gas generation volumes and potential further monitoring and mitigation measures.

## **5.7 Amenity issues: odour, dust, noise, litter, and fire control**

16. The site requires an extensive clean-up to consolidate piles waste, concrete, vegetative waste, mattresses, tyres, etc and reinstate several open pits across the site.
17. Continue handling any odour complaints on a case-by-case basis.
18. Continue managing any noise complaints on a case-by-case basis.
19. Enforce on site speed limits to minimise generation of dust.
20. Examine the potential for using sealed or gravel all weather roads for frequently trafficked routes on the site.
21. Examine dust suppression measures for use on exposed surfaces at the site.
22. Examine the use of portable litter control fences to catch litter from the active tipping face.
23. Schedule routine litter collection from the site perimeter fence and access road.
24. Stockpiles of combustible materials need to be minimised in size and separated from each other to prevent likelihood of catastrophic fire events.
25. Review the suitability of the on-site fire-fighting equipment and procedures.
26. The Pollution Incident Response Management Plan for the site needs to be updated to ensure that all legislative requirements are met.

## **5.8 Waste acceptance and site security procedures**

27. All entries and exits to the facility need to be controlled and recorded.
28. Closer scrutiny of incoming waste is required to:
  - a. Verify if the waste can be received at the site, and
  - b. Determine if the waste originates from a levy fee paying area.
29. Evaluate incoming vehicle data to determine the necessity and feasibility of establishing a small vehicle waste and recyclables reception area.
30. The site needs to be adequately staffed to undertake all necessary activities including waste screening at entry AND supervision at disposal.
31. Signage and access control directing customers to various locations on the site needs to be improved.

32. Site staff training should include procedures to recognise, handle, and isolate hazardous and other waste not permitted to be received at the site.

## 5.9 Covering of waste

33. A survey needs to be undertaken to compare the existing Stage 1 landfill to the proposed finished surface for Stage 1 so that interim filling plans can be prepared to guide landfill operations.
34. The area of uncovered waste needs to be reduced significantly, ideally to an area no larger than 30 metres x 20 metres.
35. Landfilled waste needs to be covered more frequently.
36. A stockpile of cover material needs to be always available near the active tipping face.
37. The equipment used on site for landfilling operations needs to be fit for purpose.
38. Asbestos waste needs to be managed in accordance with the Part 7 of the *Protection of the Environment (Waste) Regulation 2014*.

## 5.10 Final capping and revegetation

39. Areas of the landfill that have reached intermediate or final levels require intermediate cover.

## 5.11 Closure

40. A design for the proposed final landform is required for the entire site that can be used to estimate total available capacity.
41. No closure plan is required until one year prior to closure of the site.

## 5.12 Quality assurance

42. No quality assurance plans are required until such time construction of a leachate barrier, leachate storage, or final capping is required.



## 6. Conceptual implementation plan

To assist with the implementation of the recommendations of this report, a conceptual implementation plan has been developed. This plan has been split into three groups (short, medium and long term) based on risk. This risk could be environmental, regulatory, operational, strategic, financial, reputational, or a combination of any of these factors. The actions presented have been ranked by total level of risk from highest to lowest and/or to follow a logical sequence of actions.

- Short term actions are recommended to be undertaken in the next 1 year. These actions address issues that generally have an extreme or high risk.
- Medium term actions are recommended to be undertaken in the next 1 to 5 years. These actions address issues that generally have a medium risk.
- Long term actions are recommended to be undertaken beyond 5 years. These actions address issues that generally have a low risk.

### 6.1 Short term actions

Action	Links to recommendation	Purpose
1. Examine LEP permissibility.	1	To ensure consistency with Council's LEP and lawfulness of potential future operations / development site given the current zonings.
2. Improve asbestos waste management.	38	To reduce regulatory risk, ensure compliance with the regulatory requirements for the disposal of asbestos wastes and reduce health and safety risks to staff and customers.
3. Reduce uncovered area of waste.	6, 34	To reduce regulatory risk, ensure compliance with the regulatory requirements and improve environmental performance.
4. Cover more frequently.	6, 35	To reduce regulatory risk, ensure compliance with the regulatory requirements and improve environmental performance.
5. Have a stockpile of cover material always available near the active tipping face.	34, 35, 38	To allow for covering operations in an emergency or in inclement weather.
6. Undertake a volumetric survey for the site.	6, 33, 40	To obtain the current relative levels of the landfill site for comparison to previous surveys and as a starting point for future planning.
7. Compare new volumetric survey with previous survey(s) undertaken.	33, 40	To calculate volume consumed between the surveys.
8. Prepare final landform design.	6, 33, 40	To calculate remaining capacity in Stage 1, available capacity in Stage 2 and to assist in creating interim filling plans.

9. Improve storage of potentially hazardous and contaminating waste.	9	To reduce regulatory and environmental risks as well as ensuring compliance with the regulatory requirements.
10. Update the Pollution Incident Response Management Plan for the site.	26	To reduce regulatory risk, ensure compliance with the regulatory requirements and have an easily understandable and implementable plan in emergency situations.
11. Schedule routine litter collection from the site perimeter fence and access road.	23	To ensure compliance with the regulatory requirements and preserve local amenity.
12. Develop concept plan for the layout of site facilities.	2, 6, 40	To plan the layout of any new facilities so they integrate with the existing facilities and do not interfere with landfill operations.
13. Review current staffing levels and operational hours.	30	To ensure the site is adequately staffed to undertake all necessary activities at the site.
14. Review the suitability of existing plant and equipment used on site for landfilling operations.	14	To ensure that equipment used is fit for purpose, maximising landfill compaction rates and minimising the waste of landfill cover material.
15. Undertake training of site staff.	32	To ensure that site staff are skilled to undertake the functions required, including recognising, handling, and isolating hazardous and other waste not permitted to be received at the site
16. Continue landfill gas monitoring.		To ensure compliance with the regulatory requirements and detect potential gas accumulation.
17. Continue handling any odour complaints on a case-by-case basis.	17	To ensure compliance with the regulatory requirements and preserve local amenity.
18. Continue managing any noise complaints on a case-by-case basis.	18	To ensure compliance with the regulatory requirements and preserve local amenity.

## 6.2 Medium term actions

Action	Links to recommendation	Purpose
19. Install a single lane weighbridge.	2, 27, 28, 29, 40	To record and control all entries and exits to the site and allow closer scrutiny of incoming waste. Also provides data to accurately estimate landfill life and necessity of waste receiving facilities.
20. Undertake a water balance for the site.	4, 5, 6, 7	Estimates potential volumes of diversion water, dirty water, and leachate that can inform the design

21. Design diversion, dirty and leachate catchments.	5, 6, 7	To reduce regulatory risk, ensure compliance with the regulatory requirements.
22. Improve signage and access control.	31	To eliminate uncertainty of customers as to disposal locations for wastes and to exclude customer access to areas currently not active.
23. Undertake an extensive site clean-up.	9, 16, 24	To consolidate waste storage areas, maximise operational efficiency, and reduce fire risk. Also reducing customer uncertainty about waste disposal locations and improve general amenity of the site.
24. Cover areas of the landfill that have reached intermediate or final levels.	5, 6, 7, 39	To minimise leachate generation, vermin infestation, fire risk and odour issues.
25. Implement diversion, dirty and leachate catchments.	5, 6, 7	To reduce regulatory risk, ensure compliance with the regulatory requirements, and minimise the amount of water required to be captured and treated.
26. Establishment of sediment basins from dirty catchments.	6, 7	To treat sediment laden water before discharge from site.
27. Establish routine quality monitoring of leachate.	10	To monitor the decomposition process in the landfill and have comparison data to determine potential impacts on groundwater.
28. Review existing groundwater monitoring program.	11	To reduce unnecessary costs associated with the groundwater monitoring program but to provide meaningful groundwater quality information.
29. Expansion of surface water monitoring.	12	To monitor any potential impacts of landfill operations on surrounding surface water.
30. Monitoring point signage.	13	To ensure compliance with the regulatory requirements.
31. Enforce on site speed limits.	19	To minimise generation of dust.
32. Examine the potential for using sealed, gravel all weather roads, shaker grids, etc for frequently trafficked routes on the site.	8, 20	To minimise generation of dust and sediment loads.
33. Examine dust suppression measures for use on exposed surfaces at the site.	21	To minimise generation of dust.
34. Examine the use of portable litter control fences to catch litter from the active tipping face.	22, 23	To ensure compliance with the regulatory requirements and preserve local amenity.

35. Separation and controlled sizing of stockpiles of combustible materials.	24	Minimise the risk of fire and prevent likelihood of catastrophic fire events.
36. Review the suitability of the on-site fire-fighting equipment and procedures.	25	Ensuring sufficient capacity is available on-site to combat fires.
37. Evaluate incoming vehicle data from weighbridge.	29	To determine the necessity and feasibility of establishing a small vehicle waste and recyclables receipt area.

### 6.3 Long term actions

Action	Links to recommendation	Purpose
Design leachate barrier for Stage 2	3	To comply with regulatory requirements and to protect groundwater from landfill leachate.
Design leachate collection Stage 2	5	To comply with regulatory requirements and to collect leachate for treatment / disposal.
Quality assurance plan	42	To ensure that the construction of the leachate barrier and leachate collection system meets minimum quality requirements.
Landfill gas modelling	15	To determine landfill gas generation rates currently and into the future and to assess potential landfill gas capture / treatment options.
Closure plan	41	To ensure the landfill is properly closed, monitored, and maintained to minimise post closure environmental risk

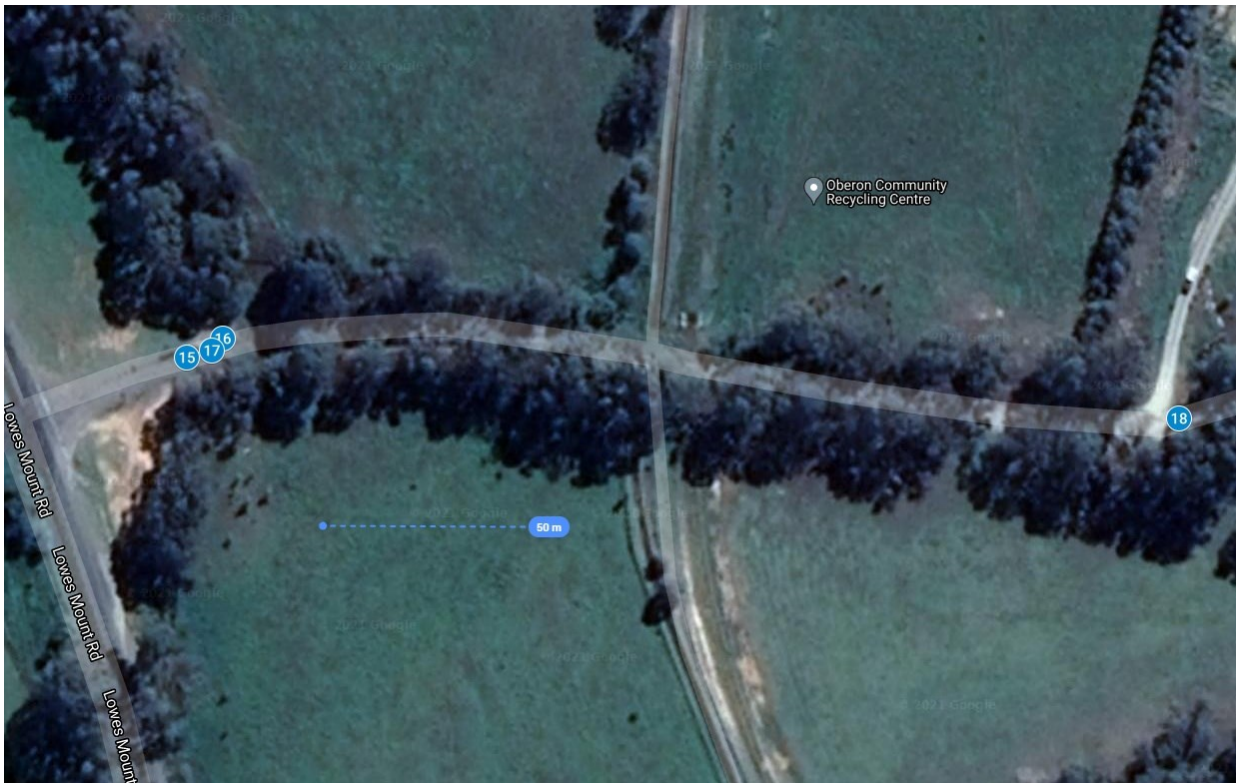
## **Appendix A**

### **Photo locations**

### Site overview



### Entrance road



### Site access and southern portion of site



Northern portion of site







3 November 2024  
Our Ref: J2021-005

The General Manager  
Oberon Council  
PO Box 84  
137-139 Oberon Street  
OBERON NSW 2787

Attention: Ms Cornelia Wiebels

Dear Cornelia,

### **Progress inspection – Improvement works Oberon Waste Facility**

Thank you for the opportunity for JS Regulatory Services (JSRS) to continue its involvement with Oberon Council in relation to the Oberon Waste Facility (the site).

After the issue of the report “*Review of operations for the Oberon Waste Facility*” - August 2021 (the report), and “*Progress Inspection – Improvement Works*” – February 2022 (the progress report), you invited JSRS back to the site to examine the progress made in relation to the recommended actions and the conditions of Environment Protection Licence 20289 for the site.

#### **Observations**

A visit to the site was undertaken by JSRS on 5 September 2024. Observations on the progress of relevant actions against the short term recommendations in the report (with reference to the recommendation number) are made below:

1. Examine LEP permissibility – I have no information that this has been undertaken yet. This is important to resolve this as any future development on Lot 36 DP 263034 associated with the site could be potentially subject to appeal based on the current zoning.
2. Improve asbestos waste management – This has improved further from the inspection associated with the progress report. There appeared to be a single pit in use for asbestos waste disposal being progressively filled in.
3. Reduce uncovered area of waste – This has remained about the same from the inspection associated with the progress report. The area of uncovered waste could still be potentially reduced further which would result in further benefits in relation to windblown, odour and bird numbers.
4. Cover more frequently – This appears to be occurring.
5. Have a stockpile of cover material always available near the active tipping face – A small stockpile of cover material was available in the immediate vicinity of the active tipping area.

8. Prepare final landform design – The information that I have currently is that no final landform for the current landfill has been prepared. However, I understand that Council is in discussion with an experienced engineering firm to have this completed
9. Improve storage of potentially hazardous and contaminating waste – This has improved significantly since the inspection associated with the progress report. The CRC and recycling area were observed to be tidy, well maintained and free of haphazardly stored wastes. Repairs to the DrumMuster storage area are still required.
11. Schedule routine litter collection from the site perimeter fence and access road – The appearance of the site when compared to the inspection associated with the progress report site was significantly improved. It is obvious that substantial effort has been made to minimise the amount of litter.
12. Develop concept plan for the layout of site facilities – Not undertaken yet as it is dependent upon the final landform design and proposed operations in the new landfill cell.
13. Review current staffing levels and operational hours – The site is now typically staffed by two people when open.
14. Review the suitability of existing plant and equipment used on site for landfilling operations – A landfill compactor is now in use at the site. Anecdotally from the staff at the site, this has resulted in a significant increase in the compaction of landfilled waste. However, this will not be able to be measured accurately until accurate incoming waste weight and landfilled volume data is available.
15. Undertake training of site staff – Council has made arrangements for the training of operators to occur in the near future.

Progress has also been made on some of the medium term actions specified in the report. Specifically:

19. Install a single lane weighbridge – Council has purchased the weighbridge, the engineering design has been completed and preparation for civil works associated with the construction has commenced.
20. Undertake a water balance for the site – this has not been conducted yet, but is now best undertaken in conjunction with the final landform design.
21. Design diversion, dirty and leachate catchments – as above, this is now best undertaken in conjunction with the final landform design.
22. Improve signage and access control – Signage around the site has improved significantly. Access control will be further improved by the weighbridge construction.
23. Undertake an extensive site clean-up – This has occurred and has been maintained. The site housekeeping has improved dramatically from the inspection associated with the progress report.
35. Separation and controlled sizing of stockpiles of combustible materials – this is occurring with large separation distances observed between combustibles.

In summary, further substantial progress has been made in relation to the actions specified in the report. There are, however, some aspects that require further action / attention. In particular:

- Examining the LEP permissibility of Lot 36 DP 263034 for future infrastructure / activities associated with the site.
- Further reducing the uncovered area of waste at the site.
- Preparation of the final landform design, which is critical to future planning and timing of landfilling activities and other environmental controls.
- The design of the leachate barrier and collection system for the Stage 2 landfill at the site.

I hope this assists you in focusing your continuing good efforts on this challenging task.

**Recommendations in relation to Environment Protection Licence 20289**

To ensure Council remains in compliance with the conditions of Environment Protection Licence 20236, particularly those in Section U1 of this licence, it is recommended that an application be made to the NSW Environment Protection Authority (EPA) to vary the existing licence.

I recommend that the application for this variation should take the following form:

A. Vary the completion date to 30 June 2025 for the following action items:

8. Prepare final landform design
12. Develop concept plan for the layout of site facilities
19. Install a single lane weighbridge
20. Undertake a water balance for the site
21. Design diversion, dirty and leachate catchments
28. Review existing groundwater monitoring program

B. Vary the completion date to 31 December 2025 for the following action items:

24. Cover areas of the landfill that have reached intermediate or final levels
25. Implement diversion, dirty and leachate catchments
26. Establishment of sediment basins from dirty catchments
27. Establish routine quality monitoring of leachate
29. Expansion of surface water monitoring
37. Evaluate incoming vehicle data from weighbridge

JSRS can assist Council in preparing this licence variation application if required.

If you have any questions in relation to this information, or if anything I have provided requires further clarification, please contact me at your convenience. I look forward to potentially continuing my involvement with Oberon Council and the Oberon Waste Facility to see this important transition through to completion.

Yours sincerely,



Jason Scarborough  
Principal Consultant  
**JS Regulatory Services**

## 15 URGENT BUSINESS

### Summary

In accordance with Clause 232 of the Local Government (General) Regulations 2021 "Model Code of Meeting practice" business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

- a) A motion is passed to have the business transacted at the meeting: and
- b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

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### Recommendation:

That Council consider the following matters as they are considered to be of an urgent nature requiring immediate consideration by Council.

## 16 CLOSED SESSION - CONFIDENTIAL REPORTS

### Summary

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.

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Set out below is Section 10A(2) of the Local Government Act 1993 in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) Personnel matters concerning particular individuals (other than Councillors)
- (b) The personal hardship of any resident or ratepayer
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
- (d) Commercial information of a confidential nature that would, if disclosed:
  - (i) Prejudice the commercial position of the person who supplied it, or
  - (ii) Confer a commercial advantage on a competitor of the Council, or
  - (iii) Reveal a trade secret
- (e) Information that would, if disclosed, prejudice the maintenance of law
- (f) Matters affecting the security of the Council, Councillors, Council staff or Council property
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land
- (i) alleged contraventions of any code of conduct requirements applicable under section 440

<b>16.1</b>	<b>Construction of an 11 (Eleven) Lot Industrial Subdivision - Oberon</b>
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File No:	TS/Subdivision
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Author:	Thomas Dimec (Project Engineer), Dr Cornelia Wiebels (Technical Services Director), Gary Chapman (Roads Operation Manager)
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*This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.*

<b>16.2</b>	<b>Land Matter</b>
File No:	Council Properties
Author:	Mathew Webb (Corporate Services Director)

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

## **17 CLOSURE OF MEETING**

The Mayor will declare the meeting closed.

The next Ordinary Meeting of Oberon Council will be held on 15 April 2025 commencing at 5.30pm, in the Oberon Council Chambers, 137 Oberon Street, Oberon.